

SECTION 2 - GENERAL PROCESSING

C8. ENVIRONMENTAL PROGRAM

TABLE OF CONTENTS

C8. ENVIRONMENTAL PROGRAM.....	8-7
C8.1. General Provisions and Regulatory Compliance	8-7
C8.1.1. Hazardous Property Definitions and Identification	8-7
C8.1.2. Hazardous Material (HM).....	8-7
C8.1.3. Hazardous Substances (HS).....	8-7
C8.1.4. Hazardous Waste (HW).....	8-8
C8.1.5. EPA-DOT Interface.....	8-10
C8.1.6. Management of HM/HW	8-11
C8.1.7. References.....	8-11
C8.1.8. Labels.....	8-12
C8.1.9. International Requirements.....	8-12
C8.2. RCRA Facility Compliance.....	8-13
C8.2.1. Introduction.....	8-13
C8.2.2. Hazardous Waste Determination.....	8-14
C8.2.3. Generator Requirements.....	8-14
C8.2.4. Facility Operating Standards.....	8-15
C8.2.5. EPA Identification Number.....	8-17
C8.2.6. Waste Analysis.....	8-17
C8.2.7. Security.....	8-18
C8.2.8. Inspection.....	8-19
C8.2.9. Preparedness and Prevention.....	8-19
C8.2.10. Personnel Training.....	8-20
C8.2.11. Contingency Plan and Emergency Procedures.....	8-21
C8.2.12. Closure.....	8-22
C8.2.13. Storage / Container Management.....	8-23
C8.2.14. Hazardous Waste Log.....	8-24
C8.2.15. Manifests and Manifest Discrepancies.....	8-25
C8.2.16. Land Disposal Restrictions.....	8-26
C8.2.17. Exception Report	8-26
C8.2.18. Biennial Report.....	8-26
C8.2.19. Unmanifested Waste Report.....	8-27
C8.2.20. Used Oil Requirements.....	8-28
C8.2.21. Record Keeping.....	8-28
C8.2.22. Military Service Inspections.....	8-32
C8.2.23. Base Closings and Clean-Up Actions.....	8-32
C8.2.24. Verification Testing.....	8-33
C8.2.25. International Requirements.....	8-34
C8.3. Military Munitions Rule (MMR).....	8-34
C8.3.1. Background Information:	8-34
C8.3.2. Impact on DRMS Operations.....	8-35

C8.3.3. Manifest exemption for contiguous properties.....	8-35
C8.3.4. Emergency Response.....	8-35
C8.3.5. RCRA Part B Permit Modifications.....	8-36
C8.3.6. State Involvement.....	8-37
C8.4. Disposal Cycle for Hazardous Property.....	8-37
C8.4.1. General.....	8-37
C8.4.2. Inventory Management Procedures to Reduce HW Over 90 Days.....	8-39
C8.5. Disposal Contracts.....	8-44
C8.5.1. General.....	8-44
C8.5.2. Qualified Facilities and Transporters.....	8-45
C8.5.3. Work Requirements Preparation.....	8-51
C8.5.4. Contracting Officer's Representative (COR).....	8-52
C8.5.5. Disposal Operations and Contract Administration.....	8-54
C8.5.6. International Requirements.....	8-72
C8.5.7. Review and Closeout of Task Orders.....	8-73
C8.6. Oil and Hazardous Material/Hazardous Waste (HM/HW).....	8-76
C8.6.1. General.....	8-76
C8.6.2. Spill Prevention.....	8-76
C8.6.3. DRMO Responsibilities:.....	8-77
C8.6.4. Reporting a Spill.....	8-79
C8.6.5. Forward Support Team Manager Responsibilities.....	8-79
C8.6.6. International Requirements.....	8-80
C8.7. National Environmental Policy Act (NEPA).....	8-80
C8.7.1. General.....	8-80
C8.7.2. Reutilization and Transfer.....	8-80
C8.7.3. Donation.....	8-80
C8.7.4. Foreign Excess.....	8-81
C8.7.5. Foreign Military Sales.....	8-81
C8.7.6. Sales.....	8-81
C8.7.7. Reorganization.....	8-81
C8.7.8. Construction Projects.....	8-82
C8.8. Clean Water Act and Storm Water Pollution Prevention Plans.....	8-82
C8.8.1. Introduction.....	8-82
C8.8.2. Host Responsibilities.....	8-82
C8.8.3. DRMO Responsibilities.....	8-83
C8.8.4. DRMS Responsibilities.....	8-83
C8.8.5. International Requirements.....	8-83
C8.9. Disposal Funding.....	8-84
C8.9.1. Introduction.....	8-84
C8.9.2. Responsibilities.....	8-84
C8.9.3. Turn in Procedures.....	8-85
C8.9.4. MILSBILLS Fund Code.....	8-86
C8.9.5. Retrogrades.....	8-86
C8.9.6. Submitting DOD Activity Addressing Code (DODAAC) Additions to BOSS.....	8-87
C8.9.7. Points of Contact.....	8-88
C8.10. Notification of Suspected Environmental Violations.....	8-88

C8.10.1. General.....	8-88
C8.10.2. Procedures.....	8-88
C8.10.3. Administration Notification Actions:.....	8-89
C8.10.4. International Requirements:.....	8-90
C8.11. Environmental Certification.....	8-90
C8.11.1. General.....	8-90
C8.11.2. Procedures.....	8-90
C8.12. Off-Installation Hazardous Clean-up (Third Party).....	8-91
C8.12.1. Introduction.....	8-91
C8.12.2. Policy.....	8-91
C8.12.3. Procedures:.....	8-92
C8.13. Emergency Planning and Community Right-To-Know (EPCRA).....	8-95
C8.13.1. References:.....	8-95
C8.13.2. General:.....	8-96
C8.13.3. Procedure:.....	8-96
C8.13.4. International Requirements:.....	8-96
C8.14. Defense Environmental Restoration Program (DERP).....	8-96
C8.14.1. Management Guidance.....	8-96
C8.14.2. Activities Eligible for DERP:.....	8-97
C8.15. Environmental Responsibility Determinations (ERD) (Edited Oct 2012)	8-98
C8.15.1. Introduction.....	8-98
C8.15.2. Environmental Controls.....	8-98
C8.15.3. Environmental Responsibility Determination (ERD) Requests (Edited Oct 12)	8-100
C8.15.4. Pre-Award Telephone Survey. (CONUS) (Edited Oct 2012)	8-100
C8.15.5. Pre-Award On-Site Surveys. (CONUS and OCONUS) (Edited Oct 2012)	8-101
C8.15.6. Post-Award On-Site Survey.....	8-101
C8.15.7. Annual Hazardous Property Term Sales ERD (Edited Oct 2012)	8-102
C8.15.8. Disapproval/ High Risk Determinations (Edited Oct 2012)	8-102
C8.15.9. Additional Commodities.....	8-102
C8.16. Polychlorinated Biphenyls (PCBs).....	8-103
C8.16.1. General.....	8-103
C8.16.2. References.....	8-103
C8.16.3. Definitions.....	8-104
C8.16.4. Receiving, Storage, Marking, Manifesting and Disposal Processing.....	8-105
C8.16.5. Import and Export Regulations.....	8-105
C8.16.6. Retrogrades to CONUS - Special Instructions.....	8-107
C8.17. Asbestos.....	8-107
C8.17.1. General.....	8-108
C8.17.2. Definitions.....	8-108
C8.17.3. Safety and Health.....	8-109
C8.17.4. Receiving Process/Turn in Requirements.....	8-109
C8.17.5. Processing - General.....	8-110
C8.17.6. Asbestos Disposal.....	8-111
C8.17.7. International Requirements.....	8-113
C8.18. Compressed Gas Cylinders.....	8-113
C8.18.1. General.....	8-113

C8.18.2. Offered for Sale.....	8-113
C8.19. Used Oil.....	8-113
C8.19.1. General.	8-113
C8.19.2. Identification of Used Oil for Turn in.....	8-115
C8.19.3. Requirements for Marketers of Used Oil.	8-116
C8.19.4. Requirements for Used Oil Filters.	8-118
C8.19.5. Refrigerant Contaminated Compressor Oil.	8-118
C8.20. Pesticides.	8-119
C8.20.1. General.	8-119
C8.20.2. Definitions.	8-120
C8.20.3. Turn in Procedures.....	8-120
C8.20.4. Label Requirements.	8-121
C8.20.5. RTD Procedures.	8-122
C8.20.6. Storage	8-123
C8.20.7. Safety Precautions.	8-124
C8.20.8. Recontainerization of Pesticides.	8-124
C8.21. Chemical Defense Equipment (CDE).	8-125
C8.21.1. CDE KITS.	8-127
C8.21.2. Protective Masks and Filters.	8-128
C8.21.3. International Requirements.	8-128
C8.22. Precious Metals.	8-129
C8.22.1. General.	8-129
C8.22.2. Specific.	8-131
C8.22.3. International Requirements.	8-131
C8.23. Storage Tanks.	8-131
C8.23.1. General.	8-132
C8.23.2. Specific.	8-133
C8.23.3. Conditions for Turn in.....	8-133
C8.23.4. Questions.....	8-134
C8.23.5. Sales.	8-134
C8.24. Clean Air Act (CAA).	8-134
C8.24.1. General.	8-134
C8.24.2. DOD Class I and II ODS Reserve.	8-136
C8.24.3. Explanation of Regulations	8-136
C8.24.4. Products with Class I or Class II ODS.....	8-137
C8.24.5. Labeling of Manufactured Products or Containers Containing ODS.	8-140
C8.24.6. Refrigerant Recycling Rule - Summary/.	8-144
C8.24.7. Transportation of Refrigerant Gases or Liquids.	8-147
C8.24.8. Refrigerant Contaminated Compressor Oil.	8-147
C8.24.9. Funding for Disposal.	8-148
C8.25. Transportation.	8-148
C8.25.1. General	8-148
C8.25.2. DOT Basic Description.....	8-149
C8.25.3. Hazard Materials Table.	8-150
C8.25.4. Additional Description Requirements.	8-151
C8.25.5. Marking.	8-153

C8.25.6. Labeling	8-154
C8.25.7. Placarding	8-156
C8.25.8. Packaging.	8-158
C8.25.9. Security Plans.	8-159
C8.25.10. Other.	8-160
C8.25.11. International Requirements.	8-161
C8.26. Universal Waste Management Standards.	8-162
C8.26.1. General.	8-162
C8.26.2. Background.	8-163
C8.26.3. Transportations.	8-163
C8.26.4. Impact on DRMS / DRMO Operations.	8-164
C8.26.5. Applicability.	8-165
C8.26.6. Requirements for DRMOs Managing Universal Waste	8-168
C8.26.7. Specific Universal Waste Requirements.	8-169
C8.26.8. Import (retrograde) Requirements.	8-172
C8.26.9. International Requirements.	8-172
C8.27. Training.....	8-173
C8.27.1. General	8-173
C8.27.2. Regulatory Requirements.	8-174
C8.27.3. Appointments.	8-174
C8.27.4. Record keeping.	8-176
C8.27.5. Course Standards.	8-176
C8.27.6. Procedures.	8-177
C8.27.7. OSHA/RCRA Annual Refresher Hazardous Waste Operations Training.	8-177
C8.27.8. Hazardous Property Transportation Refresher Training.....	8-177
C8.27.9. Certification.	8-177
C8.27.10. Alternate Training.	8-177
C8.27.11. International Requirements.	8-178

TABLE OF FIGURES

Figure 1 - Hierarchy of Multiple Characteristic Waste Numbers	8-56
Figure 2 - Hierarchy of Categorizing Waste Numbers	8-56
Figure 3 - Certification Statement for CDE Articles Turned In for Disposal.....	8-124
Figure 4 - Certification Statement - Items to be Transported for Ultimate Disposal	8-127
Figure 5 - DEMIL Certification Statement for CDE Articles Turned In for Disposal.....	8-127
Figure 6 - DEMIL Certification Statement for CDE Articles - DRMOs Receiving FEPP	8-127

SECTION 2 - GENERAL PROCESSING

C8. ENVIRONMENTAL PROGRAM

C8.1. General Provisions and Regulatory Compliance

C8.1.1. Hazardous Property Definitions and Identification

C8.1.1.1. The purpose of this instruction is to provide DRMO personnel with guidance on handling, processing, and disposing of DOD excess and surplus property, which may be hazardous to human health and the environment. These types of property are normally regulated under Federal or state environmental and safety laws or applicable laws and regulations; and in international DRMOs by the DOD Executive Agent's Final Governing Standard (FGS) for the host nation, or the DOD Overseas Environmental Baseline Guidance Document (OEBGD) where no FGS exists. In cases of inconsistency between this instruction and the OEBGD/FGS, the latter takes precedence.

NOTE: OCONUS frequently has separate guidance due to differing regulatory requirements as indicated above. The user is cautioned to look in each section of the Environmental chapter for these separate instructions.

C8.1.2. Hazardous Material (HM).

C8.1.2.1. Any material that is capable of posing an unreasonable risk to health, safety, and property during transportation. All hazardous materials appear in the Hazardous Material Table (49 CFR 172.101).

C8.1.2.2. DOT defines a number of hazard classes (e.g., flammable liquid, corrosive material, oxidizer, etc.), which establish the parameters a material must be measured against to determine if it is a hazardous material.

C8.1.2.3. DOT lists all hazardous materials in the Hazardous Materials Table (HMT) (49 CFR 172.101). Many materials are listed there by name; however, the table also contains general hazard class entries (e.g., flammable liquid N.O.S.) to cover any material not listed by name. The responsibility for proper item identification and description rests solely with the generating activity.

C8.1.2.4. Any item identified as HM by Occupational Safety and Health Administration (OSHA), the Toxic Substances Control Act (TSCA), or by any other Federal, state, or local agency or regulation.

C8.1.3. Hazardous Substances (HS).

C8.1.3.1. Hazardous Substances (HS) are considered to be any HM that requires a

report to the National Response Center when spilled. A list of reportable quantities can be found at 40 CFR 302.4 and 49 CFR 172.101, Appendix A.

C8.1.3.2. For identification purposes during transportation, HS is further defined as a material, including mixtures and solutions, that is included in the Appendix to the Hazardous Materials Table (HMT) (49 CFR 172.101) and meets or exceeds the reportable quantity listed in the appendix, in one package.

C8.1.4. Hazardous Waste (HW).

C8.1.4.1. Hazardous Waste (HW) is considered to be any item that is regulated under RCRA or state regulation as a hazardous waste. From a practical standpoint, if an EPA/state waste number (40 CFR Subpart C and Subpart D) can be assigned, the item is a hazardous waste. If it cannot be assigned it is not a hazardous waste.

C8.1.4.2. Before an item can be classed as a hazardous waste it must first be a solid waste. A solid waste defined at 40 CFR Part 261.2 is essentially any discarded material in any physical state (solid liquid, gas or combinations).

C8.1.4.3. A solid waste must meet one or more of the criteria listed below to be a hazardous waste:

C8.1.4.4. *Listed Wastes.* The solid waste is listed (or mixed with something listed) at 40 CFR 261, subpart D. Subpart D contains the following four lists:

C8.1.4.4.1. *261.31 - Hazardous Wastes from Non-Specific Sources.* These wastes are generally spent solvents, metal plating wastes that contain cyanides, wood preservative (pentachlorophenol) formulations, and some others. They are often referred to as the “F” (e.g., F001, F004, etc.) listed wastes. The F wastes are HW as soon as they are created, and as such will be received as HW from the generating activity.

C8.1.4.4.2. *261.32 - Hazardous Wastes from Specific Sources.* The “K” wastes are manufacturing or industrial processes wastes, and are also hazardous waste as soon they are created. “K” Listed wastes are generally not a DRMO disposal responsibility.

C8.1.4.4.3. *261.33 - Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.* These items consist of toxic “U”-listed wastes and acutely hazardous “P”-listed wastes. At turn in, they will usually be identified as HM and become HW only when discarded (i.e., after RTDS). Spill residue is an example of an exception to this policy.

C8.1.4.4.4. *Characteristic Wastes.* Items that are not listed (or mixed with something listed) in subpart D may still be a hazardous waste if they exhibit one or more of the characteristics identified in subpart C. The four characteristics are:

C8.1.4.4.4.1 *Ignitability (D001) 40 CFR 261.21.* A solid waste exhibits the characteristics of ignitability if a representative sample of the waste has any of the following properties:

C8.1.4.4.4.1.1 Is a liquid with a flash point of less than 140 degrees Fahrenheit.

C8.1.4.4.4.1.2 Is not a liquid and is capable of causing fire through friction, absorption of moisture or spontaneous chemical changes.

C8.1.4.4.4.1.3 Is an ignitable compressed gas as defined in 49 CFR 173.300.
(iv) Is an oxidizer as defined in 49 CFR 173.151.

C8.1.4.4.4.2 *Corrosivity (D002) 40 CFR 261.22* - A solid waste exhibits the characteristic of corrosivity, if a representative sample of the waste has either of the following properties:

C8.1.4.4.4.2.1 It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5.

C8.1.4.4.4.2.2 It is a liquid and corrodes steel at a rate greater than 6.35mm (0.25 inches) per year.

C8.1.4.4.4.3 *Reactivity (D003) 40 CFR 261.23* - A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

C8.1.4.4.4.3.1 It is normally unstable and readily undergoes violent change without detonating.

C8.1.4.4.4.3.2 It reacts violently with water.

C8.1.4.4.4.3.3 It forms potentially explosive mixtures with water.

C8.1.4.4.4.3.4 When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

C8.1.4.4.4.3.5 It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

C8.1.4.4.4.3.6 It is capable of detonation or explosive reaction, if it is subjected to a strong initiating source or if heated under confinement.

C8.1.4.4.4.3.7 It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

C8.1.4.4.3.8 It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

C8.1.4.4.4 *Toxicity Characteristic (D004-D043) 40 CFR 261.24* - A solid waste exhibits the characteristic of toxicity if it contains toxic chemicals that can leach, as determined by the special laboratory test(s) defined in 40 CFR 261.24.

C8.1.4.4.5. *State Regulated Wastes*. If a waste is neither listed nor exhibits a characteristic, it may still be regulated as a hazardous waste. EPA has provided for states that have a program equivalent to the Federal RCRA standards to receive RCRA Authorization. This authorization allows the state to manage the hazardous waste program. It also allows them to impose more stringent requirements, one of which could be to designate additional wastes as hazardous. California, for example, has identified asbestos, PCBs, and “empty” containers as additional items that must be managed as hazardous waste in California. Unlike RCRA hazardous wastes, whether or not an item is a state regulated waste is entirely dependent upon the location where it is generated and/or disposed.

C8.1.5. EPA-DOT Interface.

C8.1.5.1. DOT and EPA use different hazard classification systems. It is important to understand the relationship between the two systems since EPA uses DOT’s method for describing wastes on a manifest.

C8.1.5.2. DOT regulates the transportation of hazardous material, while EPA and/or a state agency regulate the disposal of hazardous waste. An item can be regulated by both at the same time, but not always. A hazardous waste is always a hazardous material, but the reverse is not always true.

C8.1.5.3. An item’s characteristics must be evaluated against each system independently to make the determination. DOT and EPA both regulate liquids with low flash points.

C8.1.5.3.1. DOT has defined two classes, flammable liquids (flash point \leq 140 degrees Fahrenheit) and combustible liquids (flash point \geq 141 degrees Fahrenheit and $<$ 200 degrees Fahrenheit). See 49 CFR Part 173.120.

C8.1.5.3.2. EPA, on the other hand, has identified only one category - ignitability (flash point $<$ 140 degrees Fahrenheit.). See 40 CFR Part 261.21.

C8.1.5.4. DOT and EPA regulate many items. In some cases the relationship is exact. For instance, DOT “oxidizers” are included in EPA’s definition of “ignitability”. Therefore, an “oxidizer” will always be an “ignitable” when discarded.

C8.1.5.5. General guidance:

C8.1.5.5.1. An item may be a hazardous material, but not a hazardous waste.

C8.1.5.5.2. An item may be both a hazardous material and a hazardous waste.

C8.1.5.5.3. An item may not be a hazardous waste without also being a hazardous material.

C8.1.6. Management of HM/HW.

C8.1.6.1. The key is that whichever definitions are followed, the management and control of HM/HW will comply with applicable environmental laws and regulations. For example, an item that meets the definition of an EPA hazardous waste will only be sold to a buyer that can demonstrate the ability to handle the item in an environmentally safe manner.

C8.1.7. References.

C8.1.7.1. The following references are required at the DRMOs unless otherwise indicated. They will be obtained through normal procurement supply channels. *It is the responsibility of DRMS Operations (DRMS- O) to ensure each DRMO has the required references.*

C8.1.7.1.1. DOD 4160.21-M, Defense Materiel Disposition Manual.

C8.1.7.1.2. *OCONUS Only:* DOD Executive agents' Final Governing Standards (FGS) or DOD 4715.5-G, Overseas Environmental Baseline Guidance Document (OEBGD), 15 March 2000, in the absence of the FGS.

C8.1.7.1.3. DOD 6050.5-L DOD Hazardous Material Information Resources System (HMIRS)/-Hazardous Item Listing.

C8.1.7.1.4. DLAI 4145.11, Storage and Handling of Hazardous Material.

C8.1.7.1.5. DLAR 4145.25, Storage and Handling of Compressed Gases and Liquids in Cylinders, and of Cylinders.

C8.1.7.1.6. DLA One Book Safety Chapter

C8.1.7.1.7. DLA One Book Environmental Compliance

C8.1.7.1.8. DRMS-I 3020.I, DRMS Special Situation Reporting System.

C8.1.7.1.9. DRMS-I 4160.14 Operating Instructions For Disposition Management.

C8.1.7.1.10. Access to web based regulations 40, 49 and 29 CFR, and state regulations are acceptable. But it is recommended that DRMOs keep hard copies of 40 CFR Parts 260-299 and 49 CFR Parts 100-185.

C8.1.7.1.11. Current 29 CFR 1910, OSHA General Industry Standards.

C8.1.7.1.12. Copy of DRMO RCRA permit application or permit or international equivalent.

C8.1.7.1.13. Environmental/Safety Training Plan - See the DLA Career Guide found on the DLA Human Resources web page. It is managed by DTC, who manages all DRMS mandatory disposal training: <http://www.dtc.dla.mil/env/section1.htm>.

(From eWorkplace select “life/career.” Under the Training box select “Career Guides & Training Plans”, then select “Environmental Hazardous Material/Hazardous Waste Training Plan,” and finally, select “Continue.”)

C8.1.7.1.14. DRMO Hazard Communication Standard Plan

C8.1.7.1.14.1 At least two of the following environmental/safety references:

C8.1.7.1.14.1.1 NFPA Fire Protection Guide on Hazardous Materials.

C8.1.7.1.14.1.2 Chemical Dictionary.

C8.1.7.1.14.1.3 NIOSH/OSHA Pocket Guide to Chemical Hazards.

C8.1.7.1.14.1.4 DOT Chemical Hazard Response Information System (CHRIS).

C8.1.7.1.14.1.5 Federal Facilities Compliance Strategy, (Yellow Book)

C8.1.7.1.15. Recommend DRMOs have a copy of host’s Military component’s environmental regulations.

C8.1.7.1.16. DOT 2000 North American Emergency Response Guide (published every 3 years)

C8.1.8. Labels.

C8.1.8.1. Labels that are not annotated with a DRMS Form number must be purchased by commercial means.

C8.1.9. International Requirements.

C8.1.9.1. With the exception of Hawaii and Guam, DRMOs receiving FEPP will use the

definition of HM contained in the DOD 4715.5-G “*Overseas Environmental Baseline Guidance Document (OEBGD)*” or the applicable Final Governing Standards (FGS), Chapter 5 in addition to definitions referenced herein. FGS follow the same format as the OEBGD, references to chapters and titles are the same for both publications. The OEBGD and most FGS can be found on the [DENIX website](#).

C8.1.9.2. In addition to the references listed in paragraph C in the OEBGD, international DRMOs are required to maintain equivalent host nation references. The Executive Agent for each country is responsible for official translations of governing regulations. It is the responsibility of DRMS Operations (DRMS-O) to ensure that each international DRMO has the required references.

C8.2. RCRA Facility Compliance.

C8.2.1. Introduction.

C8.2.1.1. The Resource Conservation and Recovery Act (RCRA) provides “cradle-to-grave” management of hazardous wastes. The key provisions of the regulations include: criteria to determine which wastes are hazardous; a system to track wastes from point of generation to point of disposal; standards for the construction and operation of treatment, storage and disposal facilities; and guidelines for developing state hazardous waste management programs.

C8.2.1.2. The installation commander is responsible for developing and implementing a Hazardous Waste Management Plan to include the DRMO on the installation (DOD 4160.21-M, Chapter 10). This plan shall identify and implement hazardous waste management actions required by RCRA. The DRMO is responsible for providing input to the installation commander for their portion of the plan. The DRMO will comply with applicable portions of the Hazardous Waste Management Plan and ensure that internal operating procedures are consistent.

C8.2.1.3. The Forward Support Team (FST) Manager is responsible for ensuring the DRMO operates in accordance with RCRA.

C8.2.1.4. The DRMO Chief will ensure that inspections, safety precautions and actions, records, etc., as established in the installation's Hazardous Waste Management Plan are accomplished for hazardous property for which the DRMO has physical custody and accountability.

C8.2.1.5. Required support or assistance, that is available through the ISA at the host installation, will be provided to the DRMO upon request. When the costs warrant, reimbursement may be required.

C8.2.1.6. DRMOs that handle hazardous waste must conduct their activities according to RCRA. As the facility manager the DRMO must ensure compliance with RCRA regulations and applicable permit requirements at that facility. The RCRA regulations define and list hazardous wastes and establish standards for generators and storage facilities.

C8.2.1.7. The Federal regulations are minimum standards. States that have been granted primacy may have more stringent standards. DRMOs in states that have primacy will follow state regulations.

C8.2.1.8. DRMOs having RCRA permitted storage facilities shall accept physical custody of hazardous materials and wastes from serviced activities until allowable storage capacity is reached. HW shall receive priority for storage space. HM may be stored only when there are no immediate HW storage requirements. Serviced activities should provide the greatest advance notice possible to DRMOs of forthcoming generations to allow for capacity management by the DRMOs.

C8.2.1.9. For movement of property within DRMS, contact the DRMO for current permit status, storage capability, and information concerning acceptance of off-site waste.

C8.2.2. Hazardous Waste Determination.

C8.2.2.1. It is the responsibility of the generating activity to provide identification of hazardous property to the DRMO (DOD 4160.21-M, Chapter 10). This information may be determined by lab analysis or user's knowledge. When HP is turned in as a HW, it will be managed as a HW.

C8.2.2.2. When a DRMO with generator status receives HW, the 90-day time clock is based on the accumulation start date on the HW marking.

C8.2.2.3. When HP is turned in as a HM, fails RTDS, and meets the RCRA or state definition of a HW, it will be managed as a HW immediately upon failing the RTDS and Return to Manufacturer.

C8.2.3. Generator Requirements. (40 CFR 262).

C8.2.3.1. DRMOs that do not receive off-site waste or store waste for no longer than 90 days are only subject to the generator requirements of 40 CFR 262. These include:

C8.2.3.1.1. Hazardous waste determination; 40 CFR 262.11 (paragraph C8.2.2. above)

C8.2.3.1.2. Obtaining and use of an EPA ID number; 40 CFR 262.12 (paragraph C8.2.5. below)

C8.2.3.1.3. Proper packaging, marking and labeling of wastes before shipment; 40 CFR 262 Subpart C (see paragraph C8.4.5.)

C8.2.3.1.4. Manifesting, reports, and records 40 CFR 262 Subpart B and D (see paragraphs C8.2.15, C8.2.16, C8.2.17, C8.2.19 and C8.4.5.)

C8.2.3.1.5. Compliance with on-site accumulation 40 CFR 262.34

C8.2.3.2. In addition, a DRMO that operates only as a hazardous waste generator is subject to the following standards in 40 CFR 265:

C8.2.3.2.1. *Container Management* (40 CFR 265 Subpart I). DRMOs will maintain a copy of an Inspection Log to record weekly inspections of container management areas. The log will include date/time of inspection, the signature of the inspector, and discrepancies found and corrective action taken. (See paragraph C8.2.13. of this chapter.)

C8.2.3.2.2. Instructions on closure in the instruction are deferred.

C8.2.3.2.3. *Preparedness and Prevention* (40 CFR 265 Subpart C) - See paragraph C8.2.9., this chapter.

C8.2.3.2.4. *Contingency Plan and Emergency Procedures* (40 CFR 265 Subpart D) - See paragraph C8.2.11, this chapter.

C8.2.3.2.5. *Personnel Training* (40 CFR 265.16) - See paragraph C8.2.10, this chapter.

C8.2.4. Facility Operating Standards.

C8.2.4.1. DRMOs that store HW longer than 90 days or receive HW from off-site is an operator of a HW storage facility. Under RCRA, there are two categories in which storage facilities may operate; interim status and permitted. DRMOs operating under interim status must comply with the standards in 40 CFR 265. DRMOs that operate under a RCRA Part B permit are subject to the requirements of 40 CFR 264 and 270. DRMOs operating under these two categories that ship waste off-site are also subject to the generator requirements of 40 CFR 262 as outlined in paragraph C8.2.3.

C8.2.4.2. *Interim Status.* Interim status is given to facilities that were in operation as of November 19, 1980 or have been brought under regulation as a result of an amendment to RCRA Subtitle C. Interim status allows a facility to continue operation until its Part B permit is approved.

C8.2.4.3. Permits.

C8.2.4.3.1. RCRA requires that owner/operators of hazardous waste storage facilities obtain a permit from EPA or an authorized state regulatory agency. RCRA permits for conforming storage facilities are a part of installation-wide permits. These permits are issued to the installation commander as the "owner" and the DRMS Director as the "operator" of the facility. It is the installation commander's responsibility to submit the permit application for the DRMO's facility to the regulatory agency.

C8.2.4.3.2. The RCRA permit application consists of two parts; the HW Permit Application Part A, EPA 8700-23 and the Part B Application. The Part B permit application typically consists of seven major sections:

C8.2.4.3.2.1 Facility Description. C8.2.4.3.2.2

Waste Characteristics. C8.2.4.3.2.3 Process

Information. C8.2.4.3.2.4 Procedures to

Prevent Hazards. C8.2.4.3.2.5 Contingency

Plan.

C8.2.4.3.2.6 Training Plan.

C8.2.4.3.2.7 Closure Plan.

C8.2.4.3.3. DRMS-BCP, in coordination with the DRMOs, and the host installation, are responsible for the preparation of the permit application for submittal to the regulator. The DRMO's role is to provide the information required, review draft applications, and to become totally familiar with the contents of the permit application. Permit applications submitted to a regulatory agency may require revisions during the regulator's review. Regulatory agencies may issue a Notice of Deficiency (NOD) on the permit application to the host installation that must be addressed. DRMOs will notify DRMS-BCP when a NOD has been issued and provide them with a copy. NODs will be addressed through a coordinated effort between the DRMO, DRMS-BCP and the host installation.

C8.2.4.3.4. DRMOs that operate under an approved Part B permit must comply with 40 CFR 264 and any additional conditions incorporated into the permit under 40 CFR 270. Many Part B permits contain additional requirements than those specified in 40 CFR 264. DRMOs that operate under a Part B permit must comply with the terms and conditions of the permit to be in compliance with RCRA. DRMOs with RCRA permitted storage facilities shall accept physical custody of only those HW that are listed in the current RCRA permit.

C8.2.4.3.5. Any change in the facility operational procedures, or type and quantity of wastes regulated under a permit will require a permit modification. A permit modification must be approved by the regulatory agency prior to implementing the change in order to remain in compliance with RCRA. DRMOs will notify DRMS-BCP and the host installation when a permit modification is required. Permit modifications will be addressed through a coordinated effort between the DRMO, DRMS-BCP and the host installation.

C8.2.4.4. Host Notification. DRMOs will immediately notify their host installation under the following situations:

C8.2.4.4.1. When a change to the RCRA permit is needed.

C8.2.4.4.2. Under any circumstances that may compromise installation compliance with environmental regulations. In these cases, the DRMO will always include what action is being taken to correct the situation.

C8.2.4.5. Notification to DRMS-BCP Concerning Permits or Modifications to Permits. Once the DRMO has received a Part B permit or proposed modification to a permit application the DRMO will immediately inform DRMS-BCP and provide a copy of these documents.

C8.2.5. EPA Identification Number.
(40 CFR 264/265.11).

C8.2.5.1. Use the EPA ID number of the generating activity for shipping waste received in place at an off-site generator; use the EPA ID number of the host facility for shipping waste generated by the DRMO or the host installation.

C8.2.6. Waste Analysis.
(40 CFR 264/265.13).

C8.2.6.1. The generating activity must identify hazardous property by providing the name and the amount of hazardous contaminants as required by DOD turn in requirements (see DOD 4160.21-M, Chapter 10).

C8.2.6.2. For purposes of compliance, the general waste analysis requirements set forth in 40 CFR 264.13 and 265.13 are identical. These regulations require the owner and operator of a storage facility to obtain the information needed to correctly identify the waste, to manage the waste appropriately, and to establish this protocol in a written waste analysis plan. Facilities that accept off-site hazardous wastes must include the verification testing (see paragraph C8.2.25.).

C8.2.6.3. DRMOs operating under a Part B permit or interim status, and international DRMOs that store HW for more than 90 days will have a written waste analysis plan. DRMOs under interim status and international DRMOs are not required to submit this plan to EPA, but must have it on file and available to any regulatory agency. The waste analysis plan and/or permit will be filed under the "Operating Record" of the environmental files. The waste analysis plan for a permitted DRMO is incorporated into the Part B permit. The waste analysis plan must include the following items:

C8.2.6.3.1. Parameters for testing and rationale for choosing them.

C8.2.6.3.2. Test methods.

C8.2.6.3.3. Sampling methods.

C8.2.6.3.4. Frequency of analysis.

C8.2.6.3.5. Waste analysis from off-site generators.

C8.2.6.3.6. Identification procedures for land ban restricted wastes.

C8.2.6.4. If there is a conflict between DRMS Instructions and the permit, follow the permit or permit application. Since waste analysis plans vary for each DRMO, the following three circumstances will determine which waste analysis plan should be followed:

C8.2.6.4.1. DRMOs operating under a Part B permit will follow the waste analysis plan included in the permit.

C8.2.6.4.2. DRMOs operating under interim status that have a Part B permit application prepared or submitted to a regulatory agency will follow the waste analysis plan in the permit application.

C8.2.6.4.3. DRMOs operating under interim status that do not have a Part B permit application prepared should work with DRMS-BCP to develop such a plan.

C8.2.6.5. DRMOs will submit a delivery order request (DOR) to their contracting officer to arrange for a laboratory to come and take samples and provide the DRMO with test results. DRMOs may be required to identify specific EPA test methods, as outlined in their Part B permit, to the contractor on the DOR. For example: If the permit states only EPA test method 1010 can be used to determine ignitability, then only the permit specified test method must be used. Otherwise, the contractor will perform any tasking in accordance with 40 CFR 261, Appendices I, II and III. Once samples have been taken, the results should be provided within the timeframes outlined in the Part B permit/permit application and in the disposal contract.

C8.2.6.6. Land Disposal Restriction (40 CFR 268). The generator must test or use knowledge of the HW to determine if it is a restricted waste. For property turned in from off-site as a HW; e.g., spent solvents, the generating activity must indicate if it is a restricted waste. For HW generated by the DRMO, use the description provided by the turn in activity to determine if it is restricted. A restricted waste notification form must accompany CONUS off-site waste that is restricted. If it is determined the waste is restricted based upon user knowledge, all supporting data must be on file; e.g., DD Form 1348-1, MSDS, waste profile form (see Section 4, Supplement 2, Environmental Program, Enclosure 1).

C8.2.7. Security.
(40 CFR 264/265.14).

C8.2.7.1. The hazardous storage area of the DRMO must have a surrounding barrier with controlled entry that prevents the accidental entry.

C8.2.7.2. Red danger signs must be posted. The legend must read ***“DANGER-UNAUTHORIZED PERSONNEL KEEP OUT”*** in English and any other language predominant in the area. Facilities using existing signs may continue to use these only if the legend on the existing signs clearly indicates the two warnings. The sign legend posted in a foreign language

must also clearly indicate the two warnings. The signs must be legible from 25 feet. The signs must be placed on each side of the facility.

C8.2.7.3. In addition, the number of signs must be sufficient to be seen from any approach to the active portion. 40 CFR 264/265.17 specifies that signs with the legend “**NO SMOKING**” must be conspicuously placed wherever there is a hazard from ignitable or reactive waste. The language requirements stated in paragraph C8.2.7.2. above apply to the “**NO SMOKING**” sign. Smoking is prohibited while ignitable or reactive waste is being handled.

C8.2.7.4. For activities maintaining a permitted CSF, request “*Controlled Area*” designation from the installation commander in accordance with DLA One Book CAC & Military ID Card Issuance Program Chapter.

C8.2.8. Inspection.
(40 CFR 264/265.15).

C8.2.8.1. The regulations in 40 CFR Parts 264 and 265 are essentially identical and specify criteria for determining what to inspect and how often to inspect it. DRMOs operating under a Part B permit must follow the inspection procedures in their permit.

C8.2.8.2. Equipment and areas that must be inspected include: personal protective equipment, material handling equipment and emergency equipment, security equipment, building, container storage areas, and mobile equipment. Inspections of container storage areas must be conducted at least weekly. Areas subject to spills, such as loading and unloading areas, will be inspected daily when in use.

C8.2.8.3. Storage facility inspection results will be recorded on the Inspection Log (DRMS Form 1713). It is very important to document in the log any problems found and when, the date and nature of corrective action, the date and time of inspection, and the name of the inspector.

NOTE: 90-day storage facilities will use DRMS Inspection Log CAMS Version to document inspections.

C8.2.8.5. The DRMO is required to retain a written record of the inspection procedures and results for a minimum of 3 years.

C8.2.9. Preparedness and Prevention.
(40 CFR 264/265 Subpart C).

C8.2.9.1. DRMO HW storage facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned release of HW or HW constituents. This requirement applies to all DRMOs.

C8.2.9.2. DRMO HP storage areas must be equipped with the following:

C8.2.9.2.1. An internal communication or alarm system, which can provide immediate emergency instruction (voice or signal) (OSHA requirements are at 29 CFR 1910.165).

C8.2.9.2.2. A telephone, intrinsically safe hand-held two-way radio, or other communication devices capable of summoning emergency assistance and rated for the hazard in accordance with 29 CFR 1910.303.

C8.2.9.2.3. Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment.

C8.2.9.2.4. Water at adequate volume and pressure to supply water hose streams, automatic sprinkler equipment, or water spray systems.

C8.2.9.3. Required equipment must be tested and maintained. Some of the equipment maintenance can be performed by the host installation under the ISA. (29 CFR 1910.165 and 1910.106).

C8.2.9.4. All personnel must have immediate access to an alarm or communication device either directly or through visual contact with another employee.

C8.2.9.5. Adequate aisle space must be maintained to allow unobstructed movement of personnel, fire protection equipment, and spill control equipment, and decontamination equipment. (Egress aisles should be at least three feet wide. Aisles must be arranged so no container is more than 12 feet from an aisle. Where storage is on racks, the main aisle space must be at least eight feet wide and at least four feet between racks. Aisle space must be sized to accommodate the MHE used by the DRMO.)

C8.2.9.6. The DRMO, through their host, must make arrangements with local authorities to handle contingencies. Where local authorities decline to enter into such arrangements, their refusal must be documented in the operating record. These arrangements are usually addressed in the host contingency plan or other emergency plan.

C8.2.10. Personnel Training.
(40 CFR 264/265.16 and 29 CFR 1910.120/1910.1200).

C8.2.10.1. DRMO personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them how to ensure compliance with RCRA. RCRA training must be given within 6 months of employment or assignment to the facility. OSHA requires that employees be trained before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards. In addition, the Forward Support Team Manager will ensure facility personnel receive an annual review of RCRA/OSHA training.

C8.2.10.1.1.1 See the DLA Career Guide found on the DLA Human Resources web page. It is managed by DTC, who manages all DRMS mandatory disposal training; fulfills regulatory requirements for environmental and safety training. It contains the mandatory

training courses for DRMO personnel. All new Part B permits and permit modifications shall reflect the current information in this training. Supervisors are required to assign appropriate training roles for employees as outlined in

<https://www.drms.dla.mil/drms/intranet/training/jobcheck/drmstraining.xls>

NOTE: DRMS is a “Service Center.”

C8.2.10.2. Employee training records must be documented to show that employees have received all required training. In the event mandatory training has lapsed or a new hire is brought onboard, the Environmental Letter of Memorandum (4160.14, Section 4, Supplement 2, Enclosure C8), will be placed in the official training file on-site, until mandatory training has been completed. Repeat findings may result in a letter to the DSD, from HQ DLA Disposition Services. **Employee training records will be maintained at the employee’s Permanent Duty Station. If the employee assists another site with in Temporary Duty status, and the site is later inspected for compliance, the inspector may request a copy of the employee’s training records from the employee’s Permanent Duty Station for that time-frame.” (Edited Oct 2012)**

C8.2.10.3. The Part B permit application must reflect the DLA Career Guide Training (<http://www.dtc.dla.mil/env/section1.htm>) as adapted to the positions/personnel at the DRMO.

C8.2.10.4. See Paragraph C8.2.21 of this chapter and C8.27 for more detailed information on training requirements and record keeping.

C8.2.11. Contingency Plan and Emergency Procedures.
(40 CFR 264/265 Subpart D).

C8.2.11.1. The DRMO must have a written contingency plan that specifies actions and procedures for fire, explosion, or any other release of HW.

C8.2.11.1.1. DRMOs operating under a Part B permit: the contingency plan and procedures are part of the permit and must comply with 40 CFR 264.

C8.2.11.1.2. DRMOs that have a Part B application: the contingency plan is included in the permit application.

C8.2.11.1.3. DRMOs operating under interim status, generator status or internationally are not required to submit this plan to the regulatory agency, but must maintain a copy of the plan in their operating files.

C8.2.11.2. The development of the contingency plan is a host installation requirement and should cover tenant activities. The DRMO must be familiar with the host installation procedures. The plan must be updated whenever there are any changes. DRMOs should review the plan periodically to ensure that it adequately addresses the DRMO's operation and is up-to-date. The plan must include:

C8.2.11.2.1. Arrangements with local authorities (fire, police, hospitals).

C8.2.11.2.2. Documented refusal of local authorities to participate.

C8.2.11.2.2.1 The plan must be distributed to local authorities involved in the plan. The host installation must have a designated emergency coordinator to respond to incidents at the DRMO. DRMOs operating under a Part B permit must work with the host installation to ensure that required modifications are made to their permit when changes to the contingency plan are needed.

C8.2.11.2.3. Initial actions related to spill control outlined in the contingency plan must be posted at strategic locations at the DRMO.

C8.2.12. Closure.
(40 CFR 264/265, Subpart G).

C8.2.12.1. The closure regulations were developed to ensure that facilities are closed in a manner that minimizes the need for future maintenance and the potential for the future escape of hazardous waste. DRMOs operating under permitted or interim status must have a written closure plan. For a permitted facility, the written closure plan is incorporated into the Part B permit. Interim status facilities are required to have a written closure plan on-site and available for review. Interim facilities are required to submit this plan only upon request by the regulatory agency. A generator is not required to have a written closure plan, but must comply with 40 CFR 265.111 and 265.114. A DRMO that is in the process of closure will have a copy of the closure plan on file and ensure they are in compliance. Closure plans and changes for DRMOs will be addressed through a coordinated effort among the DRMO, DRMS-BCP and the host installation.

C8.2.12.2. The closure plan must address how each hazardous waste unit, such as a container storage area, will be closed to meet the closure performance standard. The closure plan should include:

C8.2.12.2.1. An estimate of the maximum inventory of hazardous waste.

C8.2.12.2.2. A detailed description of the steps needed to remove or decontaminate waste residues and containment system components.

C8.2.12.2.3. Methods for sampling and analyzing surrounding soils to determine the extent of decontamination.

C8.2.12.2.4. An estimate of the expected year of closure and a schedule for closure operations (including milestone dates).

C8.2.12.2.5. When and how the plan will be amended.

C8.2.12.3. The day-to-day operations of a facility can have a significant impact on the ease with which closure can be implemented. Proper hazardous waste management procedures that include the diligent implementation of waste analysis plans; personnel training plans, preparedness, prevention, and contingency plans; and good housekeeping can significantly contribute toward meeting the closure performance standard.

C8.2.12.4. Partial Closures. For most TSD facilities, either EPA or the state must be notified if a part of the active portion of a facility is going to be closed. In addition, regulatory authorities must be notified prior to the start of complete facility closure. But, there are no similar notification requirements for the partial closure of a portion of a container storage facility. The adequacy of such partial closure activities is ultimately evaluated when the full closure plan is reviewed. As a result, it is critical for the DRMO to document the activities with DRMS-BCP and the host installation during partial closure.

C8.2.12.5. The host installation or DRMO must amend the closure plan whenever:

C8.2.12.5.1. Changes in operating plans or facility design affect the closure plan.

C8.2.12.5.2. There is a change in the expected year of closure.

C8.2.12.5.3. In conducting partial or final closure, unexpected events require a modification of the closure plan.

C8.2.12.5.3.1 Any change to the closure plan for a DRMO operating under an approved Part B permit will require a permit modification. DRMOs operating under interim status may amend the plan at any time. If a DRMO operating under interim status has submitted their closure plan they must submit a written request to the regulatory agency for approval to modify the closure plan.

C8.2.13. Storage / Container Management.
(40 CFR 264/ 265.170-177, Subpart I and 264/ 265.17, Subpart B)

C8.2.13.1. DRMOs operating under a Part B permit must comply with the 40 CFR 264 Subpart I and any other permit condition relating to container management that may be included in their permit. DRMOs operating under interim status or as a generator only will comply with 40 CFR 265 Subpart I. The regulations governing container management are similar except that the 264 standards require a containment system while the 265 standards do not.

C8.2.13.2. The DRMO must store hazardous waste within the following parameters:

C8.2.13.2.1. Containers must be closed and in good condition during storage.

C8.2.13.2.2. Waste must be compatible with the container.

C8.2.13.2.3. Containers must not be handled in any manner that could cause the container to leak.

C8.2.13.2.4. At minimum, weekly inspections of container storage areas must be conducted, discrepancies and corrective actions noted.

C8.2.13.2.5. No containers with ignitable or reactive waste may be within 50 feet of property line.

C8.2.13.2.6. Incompatible wastes must be separated from each other by means of a dike, berm, wall, or other device.

C8.2.13.2.7. Special requirements for ignitable, reactive, or incompatible waste include:

C8.2.13.2.7.1 Separation and protection from sources of ignition.

C8.2.13.2.7.2 Confinement of smoking and open flames to designated locations during handling.

C8.2.13.2.7.3 **“NO SMOKING”** signs posted conspicuously in areas of ignitable or reactive waste management.

C8.2.13.2.7.4 Management to prevent generation of heat, pressure, fire, explosion, toxic mists, or through any other means, which would threaten human health or the environment.

C8.2.13.2.8. Also, see this section, Chapter 1, Logistics Program, Logistics Storage for additional information on storage of HM.

C8.2.13.2.9. Hazardous waste received from off-site must comply with the packaging, marking, and labeling requirements of DOT, 49 CFR 100-177.

C8.2.13.3. DRMOs operating under a RCRA Part B permit must have a containment system, must be an impervious structure with sufficient capacity to prevent the release of spills, leaks and accumulated precipitation to the environment.

C8.2.13.4. In addition to the requirements of 40 CFR 264/265 Subpart I listed above, all DRMOs regardless of their RCRA status must also follow these additional storage requirements:

C8.2.13.4.1. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container (40 CFR 262.34(a)(2)).

C8.2.13.4.2. While being accumulated on-site, each container and tank is labeled or marked clearly with the words *“Hazardous Waste”* (40 CFR 262.34(a)(3)).

C8.2.13.4.3. *Date Placed in Storage*. Land Disposal Restricted waste must be clearly marked to identify its contents and the date each period of accumulation begins placed in storage (40 CFR 268.50(a) (2)(i)).

C8.2.14. Hazardous Waste Log.
(40 CFR 264/265.73 & APPENDIX I)

C8.2.14.1. DRMOs operating under a Part B or interim status and international DRMOs that store HW are required to keep an operating record at the facility. The record keeping requires certain information to be recorded as it becomes available, and maintained in the operating record until closure. (See paragraph C8.2.19. for a complete description of record keeping.)

C8.2.14.2. Use DRMS Form 1712 or an automated equivalent to keep a record of all hazardous waste handled by the DRMO to meet part of the record keeping requirements. A regulator should approve use of an automated system prior to implementing it. For each receipt of waste (or generation when HM is declared to be HW), enter the following information on the log. Information is taken from the DD Form 1348-1/1A or automated format or incoming manifest and must consist of the following:

C8.2.14.2.1. Turn in Document Number and NSN/LSN.

C8.2.14.2.2. Generator data.

C8.2.14.2.3. Description of the HW received that includes its common name and process from which it came.

C8.2.14.2.4. Physical description; i.e., solid, liquid, contained gas.

C8.2.14.2.5. EPA Handling Code (S01 for storage).

C8.2.14.2.6. Receipt manifest number.

C8.2.14.2.7. EPA hazardous waste code.

C8.2.14.2.8. Manifest reported weight, or volume and density in one of the units of measure in 40 CFR 264/265 Appendix I, Table 1.

C8.2.14.2.9. Dates of storage and location.

C8.2.14.2.10. The location of each HW in storage including a cross-reference to the manifest (or DD Form 1348-1/1A), which accompanied the waste on turn in.

C8.2.14.2.11. Disposition data, including disposal manifest number or requisition document and notification (i.e., LDR).

C8.2.15. Manifests and Manifest Discrepancies.

C8.2.15.1. When waste is received from off-site, the DRMO must:

C8.2.15.1.1. Sign and date each copy of the manifest to certify that the HW was received.

C8.2.15.1.2. Note any significant discrepancy.

C8.2.15.1.3. Give the transporter a copy of the manifest.

C8.2.15.1.4. Send a copy of the manifest to the generator within 30 days.

C8.2.15.1.5. Keep a copy on record (Environmental Disposition Records).

NOTE: A significant discrepancy in quantity is (1) 10 percent for bulk waste; and (2) any discrepancy in piece count for containerized waste. A significant discrepancy in type is an obvious difference, which is discovered by inspection or waste analysis.

C8.2.15.2. The DRMO must attempt to resolve discrepancies with the generator. If not resolved within 15 days, the DRMO must notify EPA by letter and include a description of the discrepancy, attempts to reconcile it, and a copy of the manifest.

C8.2.15.3. When waste is shipped off-site, the manifest requirements for generators must be followed. (See C8.2.3.1. and C8.4.5.4. this chapter.)

C8.2.16. Land Disposal Restrictions.
(See Section 4, Supplement 2, Chapter 8, Enclosure 1).

C8.2.17. Exception Report
(40 CFR 262.42).

C8.2.17.1. Individual state requirements may be more stringent. An exception report will be filed with the appropriate EPA Regional Administrator, if the DRMO has not received a signed copy of the manifest from the designated facility within 45 days of the date the waste was accepted by the initial transporter. This requirement applies to all DRMOs regardless of their RCRA status (except those that are considered small quantity generators). Small quantity generators will file an exception report with the appropriate EPA Regional Administrator within 60 days of the date the waste was accepted by the initial transporter.

C8.2.18. Biennial Report.
(40 CFR 262.41).

C8.2.18.1. The DRMO must provide information to the host installation on the amount of waste generated by calendar year to enable the host installation to prepare the biennial report. This report is due to the regulatory agency by March 1 for even numbered years. Some states require submission of this report annually. The following information must be included:

C8.2.18.1.1. EPA identification number, name and address of each off-site TSDF to which waste was shipped (EPA identification number not required for international shipments.)

C8.2.18.1.2. Name and EPA identification number of each transporter used during the reporting year for shipments to a TSDF (EPA identification number not required for international shipments.)

C8.2.18.1.3. A description, waste code(s), DOT hazard class, and quantity of each HW shipped off-site to a TSDF. List this information by EPA identification number of TSDF. International DRMOs need not list waste codes or DOT hazard classes unless the DRMO retrogrades HW. International DRMOs that do not retrograde will list the host country DOT equivalent hazard class.

C8.2.18.1.4. Waste minimization efforts.

C8.2.18.1.5. Waste minimization achievements.

C8.2.18.1.6. Certification signed by authorized representative.

C8.2.18.2. International DRMOs will maintain equivalent data in paragraphs C8.2.18.1.1. through 8.2.18.1.6. above and coordinate with host installations.

C8.2.19. Unmanifested Waste Report.
(40 CFR 264.76/265.76).

C8.2.19.1. If a situation occurs that off-site waste is received by a DRMO without a manifest and the waste is coming from a generator who is not a conditionally-exempt small quantity generator (CE-SQG), the DRMO must prepare an unmanifested waste report. The unmanifested waste report must be prepared by the DRMO and provided to the host installation for submittal to EPA within 15 days after receiving the waste. The unmanifested waste report must be submitted per state instructions in 40 CFR 265.76. The report must include the following information:

C8.2.19.1.1. EPA identification number and address of the facility (DRMO).

C8.2.19.1.2. The date the facility (DRMO) received the waste.

C8.2.19.1.3. The EPA identification number, name and address of the generator and transporter, if available.

C8.2.19.1.4. A description and the quantity of each unmanifested hazardous waste received.

C8.2.19.1.5. The method of storage for each waste.

C8.2.19.1.6. A certification signed by the owner (host) or their authorized representative.

C8.2.19.1.7. A brief explanation of why the waste was unmanifested, if known.

C8.2.19.2. Conditionally exempt small quantity generators (CESQG) are excluded from the manifest requirements. If a DRMO receives hazardous waste from an off-site generator that qualifies as a conditionally exempt small quantity generator, the DRMO should obtain a certification from the generator that their waste is excluded from the manifesting requirements under the CESQG provision of 40 CFR.

C8.2.20. Used Oil Requirements.
(40 CFR Part 279) - (See C8.18.)

C8.2.21. Record Keeping.
(40 CFR 262 Subpart D, 264/265 Subpart E).

C8.2.21.1. General Requirements.

C8.2.21.1.1. RCRA record keeping requirements are site specific. DRMOs having physical custody of and generating HW must separately maintain the appropriate records, documents and reports discussed within this chapter. For items received in place, DRMOs must coordinate with the host installation to determine who will maintain records. It is the responsibility of the DRMO to make sure coordination takes place.

C8.2.21.1.2. The types of records are determined by the RCRA status of the DRMO. DRMOs who generate hazardous waste must comply with all record keeping requirements of 40 CFR 262 Subpart D unless they are a small quantity generator. A DRMO that is a small quantity generator (does not accept off-site waste and generations are between 100 and 1,000 kg/mo) is subject to the requirements of 262 Subpart D except for exception reports on manifests and biennial reports. (See 40 CFR 262.44 for specific requirements.)

C8.2.21.1.3. In addition to the requirements of 40 CFR 262 Subpart D, DRMOs operating under.

C8.2.21.1.3.1 Interim status DRMOs will comply with 40 CFR 265 Subpart E.

C8.2.21.1.3.2 Part B permit must comply with 40 CFR 264 Subpart E and any other requirement in their Part B permit.

C8.2.21.1.4. Records and documents will be filed according to DLA One Book Records Management Chapter. DRMOs will maintain records longer if mandated by state regulations.

C8.2.21.1.5. Records and documents must be readily accessible to any regulatory agency during an inspection.

C8.2.21.2. DRMOs will maintain the following records:

C8.2.21.2.1. *Generator/Facility Environmental Disposition Records*. Develop a system to access the manifests by manifest number. Place the retained generator's copy of the manifest in the "*Manifests Shipped-Suspense*" file until the completed manifest is received. Remove the copy from the suspense file and place the completed manifest and manifest related attachments (e.g., notifications/demonstrations) in the "*Manifests Shipped-Completed*" file. The suspense copy may be discarded. In lieu of a paper "*Manifests Shipped-Suspense*" file, DRMOs can use the SHIP out-of-date report to track suspended manifests if properly entering BOSS PMF screens at time of removal then using the SHIP PMF return date option to clear suspended manifests.

C8.2.21.2.2. Generator/Facility Environmental Reports:

C8.2.21.2.2.1 *RCRA Biennial Report*. This report must be prepared and submitted by March 1 for each even numbered year. Some states may require this report to be prepared and submitted on an annual basis.

C8.2.21.2.2.2 *Exception Report*. A letter must be sent to the EPA Regional Administrator within 45 days advising that the DRMO has not received a signed, completed copy of the manifest from the TSDF to which the property was sent. The letter will include any efforts taken to resolve the issue. A copy should be provided to the off-site generator.

NOTE: Individual state requirement may be more stringent.

C8.2.21.2.2.3 *Additional Reports*. The DRMO is responsible for submitting additional data to its host installation when the host installation must report to Federal or state regulatory agencies on HW management practices for which the DRMO is responsible. The frequency and content of such reports is dependent upon the nature of the required report. The DRMO must request that the host installation notify the DRMO, in writing, detailing the requirement for the report and the frequency of such reports; and describe in detail the information which is to be included in the report.

C8.2.21.2.3. Generator/Facility Environmental Operating Records:

C8.2.21.2.3.1 Records of any test results, waste analysis, HWPS, or other determinations used to support the identification of the wastes.

C8.2.21.2.3.2 *Environmental Plans and Procedures*. A copy of emergency plans/procedures, Contingency Plan, Spill Prevention Control and Countermeasures Plan (SPCC), etc. under which the DRMO is covered.

C8.2.21.2.3.3 *Spill Records*. All documents related to an incident involving a spill of HW, which involves implementation of the Contingency Plan, Spill Prevention Control and Countermeasures Plan, or any other emergency plan/procedures.

C8.2.21.2.3.4 *Training Records*. The following documents relating to training must be maintained in the environmental training records (40 CFR 264/265.16). Training

records on current employees must be kept until closure of the facility. Training records on former employees must be maintained for at least 3 years from the date they last worked at the DRMO.

C8.2.21.2.3.4.1 The job title for each position at the facility related to HW management, and the name of the employee filling each job.

C8.2.21.2.3.4.2 A written job description for each position. This description may be consistent in its degrees of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position.

C8.2.21.2.3.4.3 A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position.

C8.2.21.2.3.4.4 Records that document that the training or job experience required has been given to, and completed by, facility personnel.

C8.2.21.2.3.4.5 Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least 3 years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred with the same company.

NOTE: DRMOs do not need to keep hard copies of documents (e.g., position descriptions and the DLA Career Guide Training) in the training file. DRMOs must be capable of accessing and printing these documents at any time.

C8.2.21.2.3.5 *Land Disposal Restrictions.* Generators must retain a copy of all notices, certifications, demonstrations, waste analysis data and any other documentation produced to support compliance with 40 CFR 268. These records must be maintained for 3 years. International DRMOs will not have notifications, certifications or demonstrations for the file, but they will document in the file that land disposal restrictions have been implemented; e.g., copy of disposal contract with land disposal restriction clause.

C8.2.21.2.3.6 *Other Records.* The DRMO may supplement this system with additional working files it may consider necessary or desirable to properly manage or administer the HM/HW mission responsibilities.

C8.2.21.2.3.7 PCB Records.

C8.2.21.2.3.7.1 The PCB regulations (40 CFR 761.65(a) (4)(b)(2)) allow for alternate storage of PCB items and PCBs in a RCRA interim or fully permitted facility. PCBs may be stored in the facility only if PCBs are listed in the permit as being accepted for storage.

C8.2.21.2.3.7.2 Records will be maintained for PCB items or PCBs stored in a RCRA interim or fully permitted facility. PCB record keeping and reporting guidance is found in Section 3, PCBs, Recordkeeping.

C8.2.21.2.3.7.3 Reporting requirements, spill cleanup, and decontamination procedures and record keeping requirements for managing PCB spills are found at Section 4, Supplement 2, Chapter 8, Enclosure 2.

C8.2.21.2.3.8 *Used Oil Records*. The following used oil records must be maintained by the DRMO to comply with 40 CFR 279.

C8.2.21.2.3.8.1 Used Oil Log.

C8.2.21.2.3.8.2 Certification Notice.

C8.2.21.2.3.8.3 Invoice.

C8.2.21.2.3.8.4 Waste Analysis Records: Copies of analysis or other information used to determine that used oil meets the specification for used oil fuel.

C8.2.21.3. In addition to the 40 CFR 262 requirements, DRMOs operating under interim status or under a RCRA Part B permit must comply with the additional record keeping requirements of 40 CFR 265/264 Subpart E. DRMOs operating under a RCRA Part B must be aware that there may be additional record keeping requirements included in their permit.

C8.2.21.3.1. Facility Environmental Disposition Records:

C8.2.21.3.1.1 *Manifest Received* (40 CFR 264/265.71): After receipt of waste, return a signed receipt copy of the manifest to the generator and place a copy in the file.

C8.2.21.3.1.2 *Manifest Discrepancies* (40 CFR 264/265.72): Copies of any record/correspondence used in solving a manifest discrepancy.

C8.2.21.3.2. *Facility Environmental Reports: Unmanifested Waste Report* (40 CFR 264/265.76). If the DRMO receives unmanifested waste from anyone other than a bonafide, conditionally-exempt small quantity generator; any supporting documents and a copy of the unmanifested waste report will be maintained in this file.

C8.2.21.3.3. Facility Environmental Operating Records:

C8.2.21.3.3.1 *Hazardous Waste Log* (DRMS Form 1712) - (40 CFR 264/265.73(b)(1)).

C8.2.21.3.3.2 *Inspection Log* (DRMS Form 1713) - (40 CFR 264/265.15).

C8.2.21.3.3.3 *Written Waste Analysis Plan* - (40 CFR 264/265.13).

C8.2.21.3.3.4 *Notices* (40 CFR 264.12): A letter or document sent by a TSDF to an off-site generator which informs the generator as to what types of waste the TSDF will accept. The requirement to provide notices apply only to DRMOs regulated under 40 CFR 264; e.g. Part B permit. Since the DRMO is considered both a generator and a TSDF, two sets of notices may apply:

C8.2.21.3.3.4.1 Notices the DRMO sends its off-site generators should be maintained in the “*Notices to Off-Site Generator*” file.

C8.2.21.3.3.4.2 The DRMO may receive a notice from another TSDF. If this should occur, the notice must be maintained in the “*Notices from TSDFs*” file. Such a notice might state the types of property the TSDF can accept and the condition under which it will accept property.

C8.2.21.3.3.5 *Notifications/Permits*. All notification and/or permits supporting the position that the DRMO is a TSDF. This will include the Part A and/or Part B permit applications or the RCRA Part B permit.

C8.2.21.3.3.6 *Certification* (40 CFR 264.73(b) (9)):

C8.2.21.3.3.6.1 DRMOs operating under a Part B permit must have a certification, which is renewed annually. This certification must state that the DRMO/host has a waste minimization program in place, to reduce the volume and toxicity of hazardous wastes generated to the degree determined to be economically practicable. It also must show the method used for storage is a practical method currently available to the DRMO/host. The method used for storage must minimize the present and future threat to human health and the environment.

C8.2.21.3.3.6.2 DRMOs will meet this requirement by obtaining that part of each installation's operating record that contains the waste minimization certification or by obtaining a letter from each installation certifying it has a waste minimization program in place.

C8.2.21.4. Official Environmental Regulatory Inspections (EPA/State/Local).

C8.2.21.5. Inspections and subsequent reports shall be managed and reported in accordance with Section 4, Supplement 2, Chapter 8, Enclosure 3, Attachment 1.

C8.2.22. Military Service Inspections.

C8.2.22.1. Inspections shall be managed and reported in accordance with DRMS-I 3020.1, Enclosure 4.

C8.2.23. Base Closings and Clean-Up Actions.

C8.2.23.1. Base closings fall under the purview of DOD policy and procedures in the

U.S. and internationally.

C8.2.23.2. Cleanup of past contamination from DOD hazardous waste operations is normally a host installation responsibility.

C8.2.23.3. DRMS-BCP will coordinate with legal counsel before taking final actions on cleanups or closure requirements. As a minimum the DRMS should be prepared to:

C8.2.23.3.1. Advise the host installation if a spill occurs at a DRMO.

C8.2.23.3.2. Make available, not conceal, information regarding possible contamination at a DRMO site.

C8.2.23.3.3. Cooperate with the host, in the event a DRMO closes or relocates, but the base does not by advising the host installation in writing and reminding the host of the need for a site survey. The decision of what to do remains with the host.

C8.2.23.3.4. Cooperate with the host, if the host installation closes, by providing available information about the tenant DRMO facility as required by the host installation authorized representative.

C8.2.23.3.5. Protect sensitive information regarding spills, possible contamination, remediation actions and closures from unnecessary disclosures through the use of "*For Official Use Only*" (FOUO) marking or appropriate classification.

C8.2.24. Verification Testing.

C8.2.24.1. Verification testing is generally required for Part B or Interim Status hazardous waste storage facilities that accept off-site waste. The verification testing is performed in accordance with the permit application requirements.

C8.2.24.2. Verify that labels and markings on the containers agree with DTID and accompanying documentation.

C8.2.24.3. No verification testing is required for HM.

C8.2.24.4. Verification testing is required for off-site generated HW, but some permits may require verification testing on both on-site and off-site HW.

C8.2.24.5. Selecting containers of HW to be sampled and analyzed. Sampling and analysis will be done by other than DRMO personnel (e.g., through the disposal contract).

C8.2.24.5.1. Frequency of testing:

C8.2.24.5.1.1 For off-base generating activities transferring property to the DRMO once or more per month, perform sampling once per month.

NOTE: Sampling will be as stated in the RCRA permit covering the DRMO.

C8.2.24.5.1.2 For off-base generating activities transferring property to the DRMO less than once per month, perform sampling at each turn in.

NOTE: Sampling will be as stated in the RCRA permit covering the DRMO.

C8.2.24.5.2. Determining the number of containers to be sampled: Use the methodology outlined in the Part B permit application to determine the number of containers to be sampled.

C8.2.24.5.3. Make the containers to be sampled accessible to the person doing the sampling.

C8.2.24.6. Processing the resulting analyses:

C8.2.24.6.1. If results verify the generating activity identification, then accept the shipment.

C8.2.24.6.2. If results do not verify the generating activity identification, manage the shipment in accordance with the permit application requirements.

C8.2.24.6.3. Maintain the analytical results in the waste analysis record section of the facility-operating log.

C8.2.25. International Requirements.

C8.2.25.1. DRMOs Receiving FEPP (C1.8.1.3) shall comply with the requirements in the country-specific FGS, Chapter 5, Hazardous Materials, Chapter 6, Hazardous Waste, and Chapter 14, Polychlorinated Biphenyls, or in its absence, with the requirements specified in the OEBGD. In addition, DRMOs receiving FEPP shall conform to the Military Service requirements of the host installation.

C8.2.25.2. In the absence of OEBGD/FGS direction in the applicable chapters, DRMOs Receiving FEPP shall apply procedures as directed in this chapter, with the exception of RCRA specific requirements, e.g., land disposal restriction notifications. If those procedures cannot be implemented due to special circumstances within the DRMOs host nation or installation, the DRMO shall apply for a waiver to the requirements from DRMS-O. Waivers will be reviewed and appropriate action taken on a case-by-case basis.

C8.3. **Military Munitions Rule (MMR).**

C8.3.1. Background Information:

C8.3.1.1. The United States Environmental Protection Agency issued a final Military

Munitions Rule (MMR) (62 FR 6622), now incorporated in 40 CFR Subpart M, Military Munitions, Part 266.200-266.206, that identified when DOD conventional and chemical ammunitions become subject to management as hazardous waste under the Resource Conservation and Recovery Act (RCRA). The effective date for the final rule was August 12, 1997.

C8.3.1.2. The MMR and the regulation, 40 CFR Subpart M, Military Munitions, address:

C8.3.1.2.1. when unused or used munitions become a waste.

C8.3.1.2.2. when munitions are not a waste.

C8.3.1.2.3. storage requirements of waste munitions and explosives.

C8.3.1.2.4. transportation requirements for waste military munitions.

C8.3.1.2.5. emergency response incidents involving munitions and explosives.

C8.3.1.2.6. In addition, the MMR also included a change to the manifesting that affects all generators and transporters of hazardous waste.

C8.3.2. Impact on DRMS Operations.

C8.3.2.1. The Military Munitions Rule (MMR) and the regulation mainly impact military activities that generate, store, transport, and dispose of waste military munitions. The MMR does not impact wastes generated from the production of munitions and explosives.

C8.3.2.2. Some parts of the MMR affect DRMO operations. Listed below are some areas where DRMOs could be potentially impacted.

C8.3.3. Manifest exemption for contiguous properties.

C8.3.3.1. Included in the MMR is a new exemption to the manifest requirements that affects all hazardous waste. The MMR exempts from manifesting: hazardous waste shipments transported along right-of-ways on or between contiguous properties or along the perimeter of contiguous properties controlled by the same person. Previously, shipments were exempt from manifesting only when the shipment crossed a public road or right-of-way and did not travel along it. **DRMOs located on installations where this situation applies may take advantage of this exemption** (also see below). Note that this exemption does not apply to contiguous DOD property under the control of different Military Services. Also, under this exemption transporters are not required to have an EPA ID number.

C8.3.4. Emergency Response.

C8.3.4.1. The MMR clarified that RCRA requirements do not apply to emergency responses involving threats from munitions or other explosives. As a result, the retrieval of live munitions that occasionally occur at DRMOs (i.e.; live round found in a load of empty casings)

would not be regulated under RCRA when handled as an emergency. But non-emergency responses and any additional waste management activities after an emergency response would be subject to RCRA. For example, non-immediate responses may require a RCRA emergency permit. Also, military personnel responding to these types of emergencies must now maintain records.

C8.3.4.2. Management of Scrap Metal Generated from the Use or Firing of Munitions.

C8.3.4.2.1. During the development of the munitions rule, there was concern throughout DOD that the munitions rule would classify empty casings, shells, bullets, etc. from the firing of munitions and explosives as a spent material under RCRA. If classified as a spent material, these materials would not be eligible for the exemption under RCRA for scrap metal when recycled. The final MMR does not change the classification of these materials.

C8.3.4.2.2. Scrap. As a result of the MMR, empty casings, shells, canisters, lead from ranges, etc., generated from the use or firing of munitions that meet the definition of scrap metal (40 CFR 261.1(c)(6)) can continue to be recycled under the scrap metal exemption in RCRA (40 CFR 261.6(a)(3)(iii)). This includes metal scrap items that meet toxic hazardous waste characteristics or contain residues of hazardous substances or waste. Empty casings as well as lead from ranges, meet the scrap metal definition and qualify for the scrap metal exemption under RCRA when recycled.

C8.3.4.2.3. Contract disposal. In some instances metal casings or firings may not qualify for the RCRA scrap metal exemption if a scrap recycler cannot be found. The metal casings/firings may have to be disposed of on the HW disposal contact (i.e., inert lead or casings, firings that contain significant non-metal parts or lead range residue containing significant amounts of non-metal residue, such as sand or soil with lead firings, or lead embedded in the rubber of a backdrop target.)

C8.3.4.2.4. DRMOs will not manage as scrap metal, any casing, shell, fired munitions, etc., that due to remaining residues or incomplete reaction of the propellant or explosive, possess any reactive characteristic identified in 40 CFR 261.23. As these types of munitions can still perform in a manner for which they were originally intended, they are waste munitions, as well as DOD MPPEH, and not scrap metal.

C8.3.4.2.5. Under the MMR, situations involving live rounds or explosives (considered waste munitions) found in scrap piles of empty, fired, or used munitions may now potentially be interpreted by regulatory agencies as a violation of the MMR and RCRA. As a result, instances such as this could be subject to RCRA enforcement action.

C8.3.5. RCRA Part B Permit Modifications.

C8.3.5.1. Installations storing waste munitions may require a RCRA part B permit modification as a result of the MMR. Some modifications could affect RCRA part B permits, under which some DRMOs operate. DRMOs located on installations undergoing part B permit modifications should ensure that these modifications do not adversely impact DRMO operations.

C8.3.6. State Involvement.

C8.3.6.1. Check to determine if the state the DRMO operation takes place within has adopted the complete MMR into their RCRA program. The munitions rule was not Federally enforceable in a RCRA-authorized state until the state adopted the regulations and received approval by EPA. Portions of the final rule considered being more stringent than current RCRA requirements had to be adopted. Portions of the final rule considered less stringent were not required to be adopted into a State's RCRA program. One of the portions of this final rule, considered less stringent and not required to be adopted, is the manifest exemption for transport on right-of-ways on or along contiguous properties. As a result, some states may have elected not to adopt this provision. As a result, DRMOs eligible for this exemption need to check with their appropriate state to determine whether the manifest exemption applies in their state.

C8.4. **Disposal Cycle for Hazardous Property.**

C8.4.1. General.

C8.4.1.1. Disposal Processing. Excess hazardous property in containers that are not leaking and in good condition shall be processed for RTD and Sales according to the normal excess property disposal cycle. Additional instructions on receipt, handling and RTDS for specific types of hazardous property can be found in Section 2, Logistics Program, Chapter 1, of this manual.

C8.4.1.2. At locations where conforming or permitted storage is not available and there is no RTDS potential for HM or HW, DRMOs will remain within the disposal processing timeframes. Disposal cycle timeframes will also be followed at locations where DRMO storage is impacted or where the generating activity lacks storage space to retain physical custody of the property.

C8.4.1.3. As a reminder, HM and HW must retain their identity throughout the disposal process; therefore, batchlotting or downgrading to scrap is prohibited.

C8.4.1.3.1. *Exceptions:* used oil for recycling and large quantities of lead acid batteries may be received as scrap in DAISY, but still need to be managed for sales action and recycling under the applicable Federal, state or, host nation laws and regulations.

C8.4.1.4. Hazardous material may be lotted for sale as follows:

C8.4.1.4.1. As a single commodity by one manufacturer, when possible.

C8.4.1.4.2. In similar and chemically compatible items within one FSC, or,

C8.4.1.4.3. If not in one FSC, the property in various FSC's must be similar and chemically compatible.

C8.4.1.4.4. DOT regulated property will not be lotted with non-DOT regulated property.

C8.4.1.4.5. Purchaser's Right of Refusal of Hazardous Property applies. Purchaser's have a right to refuse, without penalty, any hazardous materials within the lot for which they have no need.

C8.4.1.5. *Referral for Sale.* Refer hazardous property for sales within 30 days after completion of screening. Line items of HM will only be offered for sale one time. Alternate disposal action of hazardous material that has not sold could include Return to Manufacturer (RTM), if in sufficient quantities or final disposal, on service contract. Do not hold property for sale in inventory longer than 180 days without asking for a waiver. See paragraph C8.4.1.6. below.

C8.4.1.5.1. Rechecking the documentation (DD Form 1348-1A, other accompanying documents, such as the MSDS) and the condition of the property as indicated to ensure it is still in saleable condition.

C8.4.1.5.2. Use DRMS Form 1920, Hazardous Property Sales Referral Certification, filled out and signed by the person(s) designated to complete this form

NOTE: DRMO's may want to annotate the HMIRS 5-digit code in the Remarks section of the DRMS Form 1920, or "hard copy only" for future reference to the MSDS.

C8.4.1.5.3. Retain a copy of the completed/signed DRMS Form 1920 in the DRMO sales referral file; indicate in the sales referral that completed/signed DRMS Form 1920 is in the DRMO file.

C8.4.1.6. *Conditions for waiver.* Hazardous material shall not remain in inventory longer than 180 days, unless a waiver is requested to hold the property longer if advantageous to the government. To request a waiver, follow the procedure in this manual for requesting a waiver and e-mail the justification in a waiver request to: [DRMS Waivers](#). Conditions for waiver for sale action are:

C8.4.1.6.1. If there is a known potential for successful sale action, if the property is held longer than 180 days.

C8.4.1.6.2. If there is hazardous class compatibility storage, or, if HW, there is permitted storage for HW in compliance with 40 CFR.

C8.4.1.6.3. If the containers can remain in good condition, safe to handle and the generator or DRMO can maintain the property in storage until the sale actions and customer pickups are completed.

C8.4.1.7. *Disposal Contract Ultimate Disposal.* Hazardous property that cannot be RTDS or is not eligible for RTM will be disposed of by disposal service contract. . For regulatory

or economic reasons, some HM/HW will not be offered for RTDS, but will be processed directly to ultimate disposal by service contract. See Section 2, Chapter 1, Logistics Program or Section 3 of this manual for certain types of property that go directly to disposal.

C8.4.1.8. *Transportation in Lieu of Ultimate Disposal.* For pollution prevention purposes, if a reutilization customer is located for hazardous property/waste but the cost of transportation falls outside the guidelines of this manual, the DRMO may go in for a waiver request and ask the generator or DRMS to fund the transportation, if the cost of shipment is equal to or less than the cost of ultimate disposal. DRMOs should use DRMS Forms 1836 to compare the cost of transportation with the cost of ultimate disposal. All hazardous property/waste shipments must be approved by the Forward Support Team Manager and Service Manager prior to shipment to the reutilization customer.

C8.4.1.9. *Return to Manufacturer.* See Section 4, Supplement 2, Chapter 8, Enclosure 4, Attachment 1. Documentation for the RTM of hazardous property must be maintained for 50 years.

C8.4.2. Inventory Management Procedures to Reduce HW Over 90 Days.

C8.4.2.1. The RCRA regulations concerning the accumulation time limits for generators of hazardous waste at unpermitted facilities are found at 40 CFR 262.34 and the state equivalents of this Federal regulation. The allowable accumulation time for the storage of hazardous waste varies based on the quantities generated per month. The most common accumulation time period allowed for DOD generators without a permit to store hazardous waste is 90 days. This 90-day time period begins when the generator marks the accumulation start date on the container. The generator's 90-day accumulation period can begin before hazardous waste is turned-in to the DRMO. Also, this 90-day accumulation period applies to hazardous materials that fail RTDS and begins when the decision is made to dispose of this property by disposal contract.

See: <http://www.drms.dla.mil/newenv/documents/qualfac.pdf> and
<http://www.drms.dla.mil/newenv/documents/Qualtran.pdf>

C8.4.2.2. Ninety days is also the DRMS indicator used to distinguish overage hazardous waste regardless of the RCRA status of the DRMO. This 90-day time period starts when hazardous waste is received by the DRMO. This 90-day period is used for internal inventory management purposes and may or may not be the same time period used to determine compliance with the RCRA 90-day accumulation period.

C8.4.2.3. Both 90-day storage time periods need to be considered for environmental compliance and inventory management. The most important is managing the inventory for compliance with the RCRA 90-day accumulation period. DRMOs will not have HW over the RCRA 90-day accumulation period on their accountable records, unless it is in permitted storage. For DRMOs with permitted storage, overage inventory should not exceed 1 percent of total HW inventory in CONUS, 20 percent in Europe, and 10 percent in the Pacific.

C8.4.2.4. *Reducing Current Inventories.* Reducing an immediate problem of overage HW inventory involves taking the necessary steps to arrange for the property removal by disposal contract. These actions should be taken to resolve overage problems associated with either the 90-day RCRA generator requirement or the DRMS internal 90-day requirement. The appropriate action to take depends on the status of the disposal contract.

C8.4.2.4.1. If there is a current and responsive disposal contract:

C8.4.2.4.1.1 HW that is over or at the 90-day time period on record will be placed on a delivery order.

C8.4.2.4.1.2 Determine the final date of “legal” removal for each line item based on the 90-day time period. “*Regulatory Compliant*” means either the RCRA 90-day time period or the DRMS 90-day time period. But, the RCRA 90-Day accumulation period takes precedence over the DRMS 90-day period. Provide this information to the contracting officer and request prioritized contractor removal based on these dates.

C8.4.2.4.1.3 If step 2 does not provide removal within the necessary time period to stay below the RCRA 90-day deadline, or if HW is already over the RCRA 90-day deadline and the HW is not in RCRA permitted storage, use the “expedited pick up” Contract Line Item Number (CLIN). If one does not exist, ask the contracting officer to negotiate one into the existing contract.

C8.4.2.4.1.3.1 If the generator is responsible (i.e., due to a late turn in) for waste to be over or at the RCRA 90-day accumulation period and no RCRA permitted storage is available, initiate request to the generator for funding the “expedited pick up”.

C8.4.2.4.1.3.2 If the DRMO is responsible (i.e., failure to place waste on delivery order which would have allowed removal within the RCRA 90-day accumulation date) and does not have RCRA permitted storage, the DRMO will fund the additional cost associated with the “expedited pick up” CLIN.

C8.4.2.4.2. If the contract has lapsed, or if the contractor is not performing (already delinquent on pick up of one or more delivery orders):

C8.4.2.4.2.1 Determine the final date of “legal” removal for each line item of HW over or at the 90-day time period.

C8.4.2.4.2.2 Develop a list of these line items and annotate on this list as to whether or not the line item(s) has been included on a delivery order under a current contract, and if so, include the delivery order number.

C8.4.2.4.2.3 Facsimile this list and information to DRMS-BC, (DSN) 661-5776 and indicate that the DRMO requires removal by the specified date specifying how the Government would be harmed, financially or otherwise if removal does not occur by a specific date.

C8.4.2.4.3. Unless the above actions will resolve the overage situation, the following actions must be taken:

C8.4.2.4.3.1 If the HW is not in permitted storage and is going to exceed the 90-day RCRA accumulation timeframe allowed under 40 CFR 262.34 for generators, inform the affected holder of the EPA ID number of the potential violation.

C8.4.2.4.3.2 Attempt to have the waste moved into permitted storage. Contact the host to see if storage capability is available on the installation.

C8.4.2.4.3.3 If the property cannot be moved into permitted storage, ask the holder of the EPA ID number to request an extension from the EPA or state.

C8.4.2.5. *Preventing Overage Hazardous Waste (HW) Inventories.* Once current overage HW inventories have been reduced, emphasis should be placed on reaching a zero percent goal.

C8.4.2.5.1. The storage of HW over 90 days can be caused by delays by the generator, the DRMO, or both. To prevent constant reoccurrence of this problem, the cause(s) of the delay must be clearly identified. After the cause has been identified, appropriate action must be taken to either eliminate it or have the disposal schedule tailored to accommodate it. Note that there may be instances where the generator processes may necessitate the use of most of the 90-day accumulation time period. If the facility commander is aware of and approves of this situation, DRMS must do whatever is necessary to accommodate the needs of the customer and yet remain in full compliance with the law.

C8.4.2.5.2. Be proactive rather than reactive. The worst time to try to resolve overage problems is while receiving “outside” help (i.e., from the EPA, state, or DRMS). The best time to resolve overage problems is prior to any outside intervention. Never assume that while no violation was received for exceeding the 90-day storage time that a violation will never occur; it is only a matter of time.

C8.4.2.5.3. Situations where HW is consistently turned-in to the DRMO (HW or DTID delivered) more than 45 days after the RCRA accumulation start date (ASD) and no RCRA permitted storage is available.

C8.4.2.5.3.1 DRMOs must have this property removed before the RCRA 90-day accumulation period is exceeded.

C8.4.2.5.3.2 Assure that all HW is reported on a delivery order request within 3 days of receipt of the DTID at the DRMO.

NOTE: Do not refuse to receive HW due to generating activities not meeting minimum delivery order requirements. The contracting officer is responsible for releasing delivery orders and can hold delivery order requests until minimums are met.

C8.4.2.5.3.3 Request that the turn in activity fund an “expedited pick up” CLIN if there is one on the existing contract. If an “expedited pick up” CLIN is not in the existing contract, submit a request for a contract modification to have one included.

C8.4.2.5.3.4 Contact the contracting officer and request prioritized contractor pick ups based on the dates of the accumulation start date for the HW if no line items in the contract provide for removal within the required timeframes.

C8.4.2.5.3.5 Document several instances of late receipts of HW as discussed above.

C8.4.2.5.3.5.1 Approach the generating activity informally about timelier turn in. Emphasize the economic advantage of avoiding an accelerated pick up or short removal periods for the entire contract. Explain the 90-day storage requirements under RCRA.

C8.4.2.5.3.5.2 If the above approach is unsuccessful, repeat the actions formally. Elevate this effort through the local Command structure.

C8.4.2.5.3.5.3 If the command of the generating activity acknowledges the need and requirement for late turn in, modify the existing pick up periods to handle this requirement on a full time basis. This can be done through contract modifications or new contract requirements.

NOTE: If HW is turned into the DRMO with an accumulation start date greater than 45 days old but the DRMO has RCRA permitted storage, the procedures for ensuring that HW is removed within the DRMS 90-day time period discussed below should be followed.

C8.4.2.5.4. Situations where HW is turned-in to the DRMO for processing within 45 days of the RCRA accumulation start date, or HM held by the DRMO become hazardous waste.

C8.4.2.5.4.1 If the DRMO does not have RCRA permitted storage, remove this property before the 90-day RCRA accumulation period is exceeded. If the DRMO has permitted storage, DRMS inventory management procedures require that this property must be removed within 90-days of receipt, or for materials that survived R/T/D/S efforts, 90-days from the date the material was downgraded to a waste.

C8.4.2.5.4.2 Determine if the DRMO personnel are reporting HW on a delivery order request within 1 week of delivery of the HW and/or DD Form 1348-1/1A (NOT from the DAISY date of entry into the system).

C8.4.2.5.4.2.1 Determine if the contractor is picking up HW within the period allotted in the disposal contract. Promptly input BOSS PMF screens after removal and check the HW Process report located at the DRMS Internal Environmental web page: <https://www.drms.dla.mil/environmental/Process.PDF> Select several items on a delivery order request that the disposal contractor appears to be delinquent. Contact the contracting officer to

determine when the delivery order was actually issued and whether any extensions were granted.

C8.4.2.5.4.2.2 If the delinquency is correct, make certain that the pick up report is properly documented.

C8.4.2.5.4.2.3 If the disposal contractor could/would not pick up the items within the allotted time period, make sure items are not slipped from one delivery order to another. CORs/COTRs are not authorized to independently remove items from a delivery order without authorization of the contracting officer.

C8.4.2.5.4.2.4 Elevate and discuss continuing delinquent pick ups with the contracting officer.

C8.4.2.5.4.3 Ensure that DRMO personnel work on the oldest items first in the inventory. The SHIP Aging Report automatically lists HW from oldest to newest. The SHIP Out-of-Date Report provides an automated warning system for items that may need expedited removals.

C8.4.2.5.4.3.1 If multiple sites are involved, assign site(s) to each DRMO representative to monitor the overage HW inventory.

C8.4.2.5.4.3.2 Routinely inspect storage areas to ensure that no items have been dropped from inventory records even though the HW (or some portion) remains in storage.

C8.4.2.5.4.3.3 Rapidly resolve any HW rejected for receipt. If return to the generating activity is unrealistic, take formal action within 3 days of rejection. The issue should be elevated to the next level in the chain of command for each 3-day work period in which resolution is not reached until the local chain of command is exhausted. All correspondence should clearly state the exact nature of the problem and the reference applicable to DOD (not DRMS) activities. When the local chain of command is exhausted, DRMS- O should be requested to immediately pursue the issue at the MAJCOM level.

C8.4.2.5.4.3.4 The only items that should be in long-term storage are waste items for which there is a lack of adequate disposal capacity.

C8.4.2.5.4.4 Examine the interface between RTDS and contract disposal.

C8.4.2.5.4.4.1 Ensure that sales are not attempted more than once for any item.

C8.4.2.5.4.4.2 When sales releases are received from the DRMS Sales Office, DRMO personnel should promptly label this material as HW and include the accumulation start date. This accumulation start date begins the 90-day time period for both RCRA and for DRMS overage determination. Change the status code to "D" in the property accounting system.

C8.4.2.5.4.4.3 Ensure all DRMO personnel are aware of where the responsibility is for the processing of each item. Examine the accountable record for several of the oldest items in the record and determine the source of delay and take appropriate actions as needed.

C8.4.2.5.4.5 If delays are caused by a DRMO (i.e., failure to report HW on a DOR) that will prevent the disposal contractor from removing HW that is subject to the 90-day RCRA accumulation period, and the DRMO does not have RCRA permitted storage, the DRMO must use the “expedited pick up” CLIN and fund the additional cost. If one does not exist, ask the contracting officer to negotiate one into the existing contract.

C8.5. Disposal Contracts.

C8.5.1. General.

C8.5.1.1. DRMS will contract for the disposal of HM/HW that is within its disposal responsibility as stated in DOD 4160.21-M, Chapter 10. To receive information concerning services offered on DRMS HM/HW disposal contracts contact DRMS-BC for a copy of the Menu of Services at (DSN) 661-5897 or Commercial (269) 961-5897; or visit our website at Menu of Services (CONUS) and Menu of Services (OCONUS). When requested, DRMS will make every effort to provide contract disposal service for hazardous property that is the responsibility of the Military Services (such as: commingled industrial waste treatment plant sludge and residues; installation restoration wastes and residues). In these instances, the Military Service shall provide an advance fund citation and sufficient advance notification to allow placement of the property on a DRMS contract. DRMOs shall accept accountability on a wash-post basis. DRMOs should encourage Military Services to recycle wastes through qualified methods when possible instead of using a disposal contract and/or contract for a variety of hazardous waste management services such as but not limited to analytical testing, tank and oil water separator cleaning and limited and/or large scale management of a generator's hazardous waste disposal program.

C8.5.1.2. DRMOs will notify DRMS-BC when generator activities procure their own disposal services for HP that is a DLA/DRMS disposal responsibility.

C8.5.1.3. DRMS disposal contracts provide for disposal of regulated and non-regulated HW. When requested by a generator, and where contractor capabilities exist, DRMS disposal contracts will provide for disposal of special requirement waste. Special requirement wastes (see Paragraph C8.5.2.4.1.1) may require specialized contractor and disposal facility expertise for safe and compliant disposal. An example of a special requirement waste stream would be a generator certified non-explosive waste that contained trace amounts of or stabilized forms of explosives and is properly described by a proper DOT shipping name that does not cite a hazard class/division of 1.1 to 1.6 (explosive).

C8.5.1.4. Upon requests from installation commanders, DRMS-BC will provide a listing of disposal facilities approved for use in each disposal contract along with corresponding EPA identification numbers. This list may be found at:

<http://www.drms.dla.mil/environmental/qualfac.pdf>.

C8.5.1.5. International disposal contracts will include all appropriate disposal clauses and restrictions to comply with U.S. standards, final governing standards and host country laws and regulations. If conflict arises, the more stringent standard will be followed. **OCONUS DRMS FSTs** will develop and maintain a cradle-to-grave audit trail of records for the disposition of HM/HW. Foreign contractors must be able to demonstrate they are in compliance with host nation requirements, meet DOD disposal requirements, and show evidence that local authorities on a periodic basis audit their facilities.

C8.5.1.6. A list of characteristic-based CLINS is included in the Menu of DRMS Services. Go to the external DRMS website. On the left menu, click on Environmental, on the left menu, click on HW Disposal, and scroll down and under DOD Hazardous Waste Generator's Guide to Purchase Requests, then click on Menu of DRMS Services. See http://www.drms.dla.mil/newenv/html/hw_disposal.html.

NOTE: These are general instructions only. Specific disposal contracts should be consulted for provisions that take precedence over any guidance in this instruction.

C8.5.2. Qualified Facilities and Transporters.

C8.5.2.1. Contracting Officer Representatives (CORs) and Contracting Officer Technical Representatives (COTRs) shall verify that the contractor's transporter and proposed disposal facility appears on the DRMS Qualified Facilities and Transporter WWW listing prior to removal. If the transporter and/or facility isn't on the listing the COR and/or COTR shall immediately contact the Contracting Officer (CO) for further action.

C8.5.2.2. Contractors may request additions to the DRMS facility and Transporter Qualified Lists by letter to DRMS-BC, DRMS-PH, FST-Europe (FST-E), FST Asia/Pacific (FST-P) or FST-Centcom (FST-C). These modifications shall be added by Environmentalists from the appropriate office identified to the BOSS database as workload/expertise allow. TSDFs used in the Continental United States may be found on the DRMS web page when completed. FST-E/FST-P/FST-C will maintain a listing of approved facilities for use by contractors performing in the respective Area of Responsibility (AOR) and provide updates to DRMS-BC within 5 working days of acceptance of facility. DRMS-BC will maintain a worldwide master list of qualified facilities to include at a minimum, name, address, permit number, a unique BOSS number, and a brief description of the types of waste acceptable for treatment and the types of treatments performed.

C8.5.2.3. Note that contract clause H.3 or H.6 states that the government must be given a "reasonable" amount of time to evaluate contractor requests and that additional facilities and transporters must meet the same standards contained in the solicitation. The contractor shall furnish information for addition of the facility or Transporter as required in clause H.3 or H.6.

C8.5.2.4. *Evaluation Procedures for Addition of Facilities and Transporters to the*

Qualified Listing (H.3 or H.6). DRMS-BC/FST-E/FST-P/FST-C evaluators will review the contractor's submittal for additions to the approved list.

C8.5.2.4.1. *Facility Evaluations*: Facilities that are reviewed and found to be qualified as meeting DRMS contract/solicitation provisions for use will be added to the Base Operations Support System (BOSS) and can accept waste for treatment, storage and disposal as specified by their permit.

C8.5.2.4.1.1 It is the responsibility of the contractor to ensure all wastes and special requirements are covered by a qualified facility and transporter. Examples of special requirements:

C8.5.2.4.1.1.1 oxygen breathing apparatus/oxygen candles.

C8.5.2.4.1.1.2 acutely hazardous pesticides.

C8.5.2.4.1.1.3 aerosols.

C8.5.2.4.1.1.4 lithium sulfur-dioxide batteries.

C8.5.2.4.1.1.5 k045s or other explosives.

C8.5.2.4.1.1.6 red fuming nitric acid.

C8.5.2.4.1.1.7 hydrazine.

C8.5.2.4.1.1.8 cyanides.

C8.5.2.4.1.1.9 PCBs.

C8.5.2.4.1.2 It is the contractor's responsibility to ensure sufficient final disposal capacity exists to meet the performance time frames of the solicitation.

C8.5.2.4.1.3 Proposed Facilities must meet the criteria at H.3 or H.5 *USE OF FACILITIES AND TRANSPORTERS* of the solicitation and submittal requirements of H.6 *ADDITIONAL FACILITIES AND TRANSPORTERS*. On International contracts refer to clauses H-3 through H-6 for Treatment Storage Disposal and Recycling Facilities (Facilities) and Transporters.

C8.5.2.4.2. To determine transporter acceptability, the following criteria are considered during the transporter approval process as outlined in DRMS-I 4160.14, Section 4, Supplement 2, Chapter 8, Enclosure 25, Qualified Transporters Program Standard Operating Procedures:

C8.5.2.4.2.1 Transporter must have a valid EPA identification number.

C8.5.2.4.2.2 Transporter must list all applicable state hauling permit numbers.

C8.5.2.4.2.3 Transporter must have a “Satisfactory” rating from the Office of Motor Carrier Safety (OMCS).

C8.5.2.4.2.4 Transporter must meet the evaluation criteria at H.5 of the solicitation.

C8.5.2.4.2.5 Evaluations for transporters operating in foreign countries will be based on H.3 of the solicitation as well as host nation transportation regulations.

C8.5.2.4.2.6 Transporter must be in compliance with all Federal/State/Local **regulations.**

C8.5.2.4.2.7 Transporter must meet all DRMS contractual requirements if a DRMS site visit is performed.

C8.5.2.4.2.8 Transporters that do not meet H.3 nor H.5 criteria that are requested for use for specific contracts in unique situations (example: transportation of non-RCRA JEAP clothing for incineration) require approval by a DRMS-BCE Environmental Team Leader or Supervisor after review by the Environmental Protection Specialist. These transporters will not be added to the Qualified listings but will be loaded into BOSS. The approval document will be placed in the transporter file.

NOTE: A transporter hauling PART II non-RCRA waste does not require an EPA identification number or state hazardous waste permit, but the transporter must meet all evaluation criteria including OMCS ratings. When a transporter meets the evaluation criteria and has a satisfactory OMCS rating but does not have an EPA identification number, DRMS-BC technical evaluators who will notify DRMS-PH will construct a “dummy” EPA number.

C8.5.2.5. Facility Quality Assurance Program (audits and site visits).

C8.5.2.5.1. DRMS is committed to the maintenance and monitoring of Facilities used world-wide for DOD HW disposal. The goal of the facility Quality Assurance Program is to ensure CERCLA and International liability is limited through a program that is globally focused and managed locally.

C8.5.2.5.2. Three distinct elements comprise DRMS[®] facility qualification process:

C8.5.2.5.2.1 A comprehensive evaluation and verification of each facility proposed for use by our disposal contractors.

C8.5.2.5.2.2 Annual compliance reviews of all active (facilities utilized in the previous 12 months for HW disposal) qualified facilities consisting of either a desk audit or

on-site inspection in accordance with DRMS-I 4160.14, Section 4, Supplement 2, Chapter 8, Enclosure 24, Qualified Facilities Program Standard Operating Procedures.

C8.5.2.5.2.3 On-Site inspections of Facilities that potentially present significant risks or liabilities.

C8.5.2.5.3. DRMS requires prime contractors to submit pertinent information on facilities proposed for use. Our pre-qualification evaluation consists of verifying the facility's permitted capabilities, closure funding or financial assurance, and compliance status with the applicable regulatory authorities.

C8.5.2.5.4. DRMS shall continually monitor all permit updates and compliance status of active qualified facilities through periodic inquiries with the facilities, regulatory authorities and various sources such as industry newsletters and publications.

C8.5.2.5.5. DRMS will either contract or utilize DRMS employees for inspections on those facilities which pose the greatest potential risk or liability. Site selection is based on information obtained through regulatory inquiries (or lack thereof), cradle-to- grave manifest tracking discrepancies, DRMO COR and/or DOD generator concerns, amount of waste shipped to the facility, cleanup capability of the facility, and/or negative media attention.

C8.5.2.5.6. Initial facility approval:

C8.5.2.5.6.1 Facilities must be in compliance with the applicable regulatory authorities and able to show evidence that local authorities, on a periodic basis, audit their facilities. If an inspection report is provided for a facility that is older than eighteen (18) months old, the facility is not qualified for use until a regulatory agency conducts an inspection or an on-site inspection by a DRMS Environmental Protection Specialist or Contractor specializing in facility auditing is conducted. When on-site facility inspections are necessary, a facility inspection checklist (DRMS Form 2033) shall be used to determine acceptability for use under DRMS Disposal Contracts. Contact DRMS-BC for a sample Statement of Work to contract for on-site facility inspection(s).

C8.5.2.5.6.2 Verify the proposed facility's permitted capabilities, financial assurance such as pollution liability insurance and or closure funding. Closure funding is required for RCRA TSDFs and non-RCRA landfills in the U.S. For international facilities, financial assurance requirements will be in accordance with regulations established by the competent authority. Obtain an English translated copy of the policy cover letter which indicates the financial institution providing coverage, dates of current coverage and the limits of liability. Obtain English translated copies of the permits that describe acceptable waste streams and disposal/operational processes approved for the facility.

C8.5.2.5.6.3 Upon completion of inspection, a written report will be prepared by the inspector. The report shall be maintained and filed with the facility folders. Sample reports may be obtained from DRMS-BC.

C8.5.2.5.7. Criteria for not approving a proposed facility or disapproving a previously approved facility are identified in H.3 or H.5 clause of the disposal contract.

C8.5.2.5.8. Facilities that do not meet H.3 nor H.5 criteria that are requested for use for specific contracts in unique situations (example: JEAP clothing for non-RCRA incineration) require approval by a DRMS-BCE Environmental Team Leader or Supervisor after review by the Environmental Protection Specialist. These facilities will not be added to the Qualified listings but will be loaded into BOSS. The approval document will be placed in the facility file.

C8.5.2.5.9. Facility Annual Audits and On-Site Inspections:

C8.5.2.5.9.1 Desk Audits: All approved Facilities will be reviewed annually. Utilizing the DRMS TSDF Database (MS Access), generate a Facility Update Report. All facilities that have not been updated in 12 months will appear on the report.

C8.5.2.5.9.2 The same criteria used for the initial approval will be reviewed annually on all active facilities by Environmentalists covering the Area of Responsibility. Contact the Prime Contractor for facility inspection reports, updated financial assurance, and updates to their operating permits. Attempt to verify with the host nation competent authority that the facility is in compliance and seek the latest inspection report. If the host nation will not release information to a third party, contact the disposal facility and obtain inspection reports. Document any findings. Ask for a copy of the inspection report. It is understood that this may be difficult due to SOFA agreements or an unwillingness of the host nation to release facility information.

C8.5.2.5.9.3 When adverse information is discovered on a facility, review and consider the HW Contract Clause (H Clause) Use of Transporters and Treatment, Storage, Disposal and Recycling Facilities. The Criteria for disapproving a currently approved facility will be found in H.3 or H.5 clause of all disposal contracts.

C8.5.2.5.9.4 To assist in determining which Prime Contractors were used at a particular facility, go to the ERS Reports link on DRMS" HW Disposal Page at: http://www.drms.dla.mil/newenv/html/hw_disposal.html. Select Workbook "PUB.AT2 TSDF Usage Report" and input BOSS TSDF number.

C8.5.2.5.9.5 When a recommendation is required to disapprove a facility, the Environmental Branch Chief, Office of Counsel and Division Chief, Hazardous Waste Contracts Division that provides direct support to your AOR must concur with the recommendation. Complete a memorandum for signature to document the action. Provide justification with reference to Clause H3 or H5 as appropriate and back-up documentation if available. One memorandum with signature blocks and titles for each office is sufficient.

C8.5.2.5.10. On-Site Inspections at Facilities:

C8.5.2.5.10.1 Annually, each of the respective offices (DRMS-BC/FST-E/FST-P and FST-C) will make determinations for the number of on-site inspections to be conducted within their AOR. Determining the number of facilities and whether to contract out or utilize DRMS employees for annual inspections will be determined by the FST/Branch Chief. Factors to consider are relative risk and the budget that is available for use during the fiscal year.

C8.5.2.5.10.2 Facility site selection shall be based on potential liability, information obtained through regulatory inquiries (or lack thereof), cradle-to-grave manifest tracking discrepancies and negative media information.

C8.5.2.5.10.3 Criteria to consider for determining which facility to inspect:

C8.5.2.5.10.3.1 Negative Media attention:

C8.5.2.5.10.3.1.1 News reports on fire, explosion, releases to the environment.

C8.5.2.5.10.3.1.2 Neglect to environmental responsibility.

C8.5.2.5.10.3.1.3 Reports of suspicious activity.

C8.5.2.5.10.3.2 Lack of or insufficient Tracking Data:

C8.5.2.5.10.3.2.1 Erroneous tracking information.

C8.5.2.5.10.3.2.2 No Final Tracking information.

C8.5.2.5.10.3.2.3 Tracking information to an unapproved facility.

C8.5.2.5.10.3.3 Usage / Previously inspected:

C8.5.2.5.10.3.3.1 If facility has not been used in 24 months...No on-site inspection.

C8.5.2.5.10.3.3.2 If on-site inspection completed within 3 years and facility found responsible and risk associated to DRMS low...No on-site inspection.

C8.5.2.5.10.3.4 Type of Facility:

C8.5.2.5.10.3.4.1 High Risk / Low Risk (i.e. Volume and types of wastes into a facility, Storage only).

C8.5.2.5.10.3.4.2 CGCs, PCBs.

C8.5.2.5.10.3.4.3 Mercury disposal/recycling facilities.

C8.5.2.5.10.4 In the event the FST determines to contract out facility on-site inspection, contact DRMS-BC for a sample Statement of Work.

C8.5.2.5.11. Development and Maintenance of Facility Folders for approved facilities.

C8.5.2.5.11.1 Maintenance for TSDF and Transporter records management and maintenance shall be in accordance with DLA One Book, Records Management Chapter.

C8.5.2.5.11.2 Each facility and Transporter is required to have it's own "ISO" folder. For Transporters a standard single part folder should suffice. For Facilities utilize a 6 part folder.

C8.5.2.5.11.3 Facility folders shall be maintained in the following manner by each office:

C8.5.2.5.11.3.1 Part 1 – General Company Information (i.e., Name, Address, POCs).

C8.5.2.5.11.3.2 Part 2 – Closure and Insurance information (Pollution Legal Liability). Try to get actual Bond, Trust Agreement, Insurance for Closure, etc. This document should be reviewed annually. If expired, a new one is required.

C8.5.2.5.11.3.3 Part 3 – Compliance/Inspection Reports.

C8.5.2.5.11.3.4 Part 4 – Phone Records and Memorandums For the Record (MFRs) with regulators.

C8.5.2.5.11.3.5 Part 5 – BOSS and Web Data along with a Facility Print Out from DRMS TSDF DataBase.

C8.5.2.5.11.3.6 Part 6 – Permits (RCRA or RCRA equivalent on Top with other permits like air, water, etc. following).

C8.5.3. Work Requirements Preparation.

C8.5.3.1. In order to plan and execute a contract, a procurement request (PR) must be written to identify work requirements. The COR/COTR plays an active and important part in this process by gathering generations data and other information to be included in the PR. In coordination with the Acquisition Team Leader, the DRMS-BC will send a letter to generating activities, requesting information on expected generations of HM/HW for the coming year (see Section 4, Supplement 2, Chapter 8, Enclosure 5).

C8.5.3.1.1. With this request, the DRMS-BC will provide each generating activity with a history of previous generations (usually for a recent 12-month period). The histories are extracted from BOSS through a program called the Environmental Reporting System (ERS).

The generating activities may use this information to update contract requirements. DRMS-BC may request supporting documentation (e.g., waste analysis, HWPS) when available.

C8.5.3.2. In addition to the ERS data, the letter should include a menu of services. The Menu of Services explains the routine services offered by DRMS. The generator is to complete this package in accordance with the instructions provided in the menu of services.

C8.5.3.3. The COR will review the DRMO's current contract to determine what changes are needed; e.g., points of contact and telephone numbers, pick up points, CLIN estimates, work requirements, etc. The COR will submit this information, with any information received from the generators, to DRMS-BC. This information will then be incorporated in the PR that is forwarded to DRMS-PH.

C8.5.3.4. An alternative to preparing a new PR is to exercise an option period if such an alternative is provided in the current contract. If there is a significant change in the requirement or unsatisfactory contractor performance, the option may not be exercisable. The determination to exercise an option is made by the CO. The COR will determine if the requirements, as stated for the option period, remain valid and make an assessment of the contractor's performance. This information will be forwarded to the cognizant Contract Specialist. Contractor performance will be documented throughout the contract period using the Collection Summary Report (DRMS Form 1729), in order to justify either satisfactory or unsatisfactory performance assessment. It is critical that CORs and/or COTRs fully document both good and bad contractor performance and submit the reports in a timely manner as Contracting Officers rely heavily on CSR findings when determining whether to exercise an existing contract option and during negotiations under new solicitations when completing best value assessments.

C8.5.3.5. One-Time Contracts:

C8.5.3.5.1. A one-time contract can be used for HP removal in unique or emergency situations. *Unique situations/emergency situations* include removal of property that falls outside the scope of the regular requirements contract; if its quantity or other special conditions may include removal of property where there is a lapse in contract coverage, urgency, or lack of performance by current contractor.

C8.5.3.5.2. Upon receipt of the above information, the CO will determine the urgency of the situation and take action to resolve the problem in the most expeditious manner.

C8.5.4. Contracting Officer's Representative (COR).

C8.5.4.1. Appointment.

C8.5.4.1.1. A COR is appointed in writing by a CO to monitor each DRMS disposal contract. The policy guidance for assigning specific responsibilities to CORs for oversight of contract operations is at Defense Logistics Acquisition Directive, Revision 5. DRMS COs issue

an appointment letter that outlines the COR's authority and provides a list of duties and responsibilities. Unless canceled, the appointment is effective for the life of the contract.

C8.5.4.1.2. The DRMO Chief will nominate an employee for appointment and provide the name to the CO. All GS-028, Environmental Protection Specialists (EPS), at the DRMO will be nominated for COR appointment. Other DRMO environmental personnel, such as Environmental Protection Technicians, Hazardous Property Handlers, etc., should be considered for COR appointment also, to ensure adequate and timely contractor oversight. In addition, generator personnel may be assigned as a Contractor Officer Technical Representative (COTR) as determined by the contracting officer. The contracting officer in coordination with the DRMO and generating activity will determine appointment. CORs shall work closely with COTRs to ensure quality oversight is performed and that timely and complete submittal of information, such as CSRs and/or invoices, where applicable, are completed.

C8.5.4.1.3. The CO is the final authority on the contract. The COR works with the CO to monitor contractor compliance. This includes compliance with the terms and conditions of the contract and ensuring that the contractor complies with all environmental/safety related requirements in the geographical area of performance to include US Federal, state and local laws and regulations related requirements in the geographical area of performance to include US as implemented by the contract.

C8.5.4.2. *Training:* Environmental/Safety training is required for all personnel involved in managing or handling HM and/or HW including personnel on temporary appointments. Training requirements are outlined in the DLA Career Guide found on the DLA Human Resources web page: <http://www.dtc.dla.mil/env/section1.htm>. All CORs and COTRs are also required to annually complete the on-line HW Refresher Training, Session #74, located at <https://www.drms.dla.mil/drms/intranet/training/training.htm>. It is the responsibility of the DRMO Area Manager to ensure completion. The DRMO Area Manager or designated training coordinator shall promptly forward e-mail study period completion notification to the assigned CO and retain a copy in the DRMO employee training file.

C8.5.4.2.1. Additional training requirements are found at C8.27. In addition to the environmental/safety courses, each COR should complete either the DRMS or DOD sanctioned COR or COTR course to be eligible for appointment by the contracting officer.

C8.5.4.3. *Safety.* CORs will follow all safety rules/regulations. They will use appropriate personal protective equipment at all times. CORs will not monitor contractors that are opening containers until they have been properly trained; i.e., completion of OSHA/RCRA Hazardous Facility Training or an equivalent course approved by DRMS-BC.

C8.5.4.4. *Liability.* Environmental compliance requirements for all DRMS employees, including military, civilian and local nationals, regardless of grade or assignment, are in DLA One Book, Environmental Compliance Chapter. In summary, DRMS employees who violate environmental laws and regulations or who disregard environmental laws and regulations in carrying out their duties may be subject to disciplinary action and/or criminal sanctions.

C8.5.5. Disposal Operations and Contract Administration.

C8.5.5.1. Task Order Request (TOR) - General Information:

C8.5.5.1.1. TORs will be prepared routinely. The frequency will depend upon the amount of hazardous property at the DRMO or off-site pick up locations. Some DRMOs need as many as four TORs a week, while others only need one each month. Schedule TORs to keep the property moving within acceptable storage timeframes.

C8.5.5.1.2. As a minimum, the following information/references are required for CONUS DRMOs to prepare a TOR:

C8.5.5.1.2.1 A copy of the contracts CLIN list in numerical order. This list contains all CLINs currently used on the specific contract. It can be obtained from DRMS-BC.

C8.5.5.1.2.2 A copy of the price schedule for the particular contract. This price schedule will vary from contract to contract due to all of the CLINs from the master CLIN list not being listed on each contract. Therefore, to determine which CLINs are available for use under the contract, the DRMO must have the price schedule and all modifications (MODs) to the contract.

NOTE: NOTE: Special service requirement CLINs (6000-6699) may be available under the contract. See Section 4, Supplement 2, Chapter 8, Enclosure 6, for guidance concerning processing orders for special service CLINs.

C8.5.5.1.2.3 Information on property that is eligible for the TOR. Use all available sources to obtain this information; e.g., the DTID, HM/HW On Hand Inventory Report, Hazardous Waste Profile Sheet (DRMS Form 1930), MSDS, SHIP documentation, or DAISY consolidated inquiries. The TOR should contain at a minimum the DTID number, and the storage location (e.g., A020000A0/bldg. # for offsite locations). Additional information required in the noun description is as follows:

C8.5.5.1.2.3.1 Mandatory information in noun description.

C8.5.5.1.2.3.1.1 HWPS reference number.

C8.5.5.1.2.3.1.2 Noun name of the waste and the chemical name of the most predominant constituents/contaminants or the associated EPA codes, if applicable. Percentages should also be included if space allows. Additional EPA codes, underlying hazardous constituents, and where applicable, state waste codes.

C8.5.5.1.2.3.1.3 All information (i.e., flash point, corrosivity, etc.), including physical state, necessary in determining DOT shipping information and requirements.

C8.5.5.1.2.3.1.4 Size and number of containers (i.e., 1 x 55 gl) or applicable dimensions if packaging is irregular.

C8.5.5.1.2.3.1.5 Unique number, if applicable (e.g., DTID #, hazardous waste log number).

C8.5.5.1.2.3.1.6 Date removed from service for disposal/manifesting (PCBs only).

C8.5.5.1.2.3.1.7 Proper shipping name (PSN) (may be omitted if the COR has an alternative mechanism in place to verify PSN).

C8.5.5.1.2.3.2 Optional information in noun description.

C8.5.5.1.2.3.2.1 NSN, if applicable. For PCBs a unique identification number (e.g., stock number or part number, serial numbers).

C8.5.5.1.2.3.2.2 Generators EPA identification number and any additional information DRMOs want to add (e.g., universal waste).

NOTE: When considering what optional information to include, the DRMO should cooperate with the contractor to ensure they are provided with all necessary information needed to properly manifest the waste and profile it to a TSDF. Additional information may not be necessary, for contractors that have been provided information at an earlier date (e.g., waste profile sheets with MSDS/analytical attached or a list of generators EPA identification numbers).

C8.5.5.1.2.3.2.3 Do not preface profiles/MSDS with "Waste Profile", "WPS", "MSDS", "HMIRS" or any other preface, just the number.

C8.5.5.1.2.3.2.4 DAISY will automatically put all items into the BOSS noun description in the proper order, if DAISY HW screen and SHIP HWPS data is complete.

C8.5.5.1.2.3.3 To assign CLINs for other than PCBs, use a current copy of 40 CFR 261 Subpart C, Characteristics of Hazardous Waste, and Subpart D, Lists of Hazardous Wastes. The information in the contract schedule corresponds to 40 CFR 261. The two are used together.

C8.5.5.1.2.3.4 Use any reference material that will identify the hazard class of the property. For CLIN selection, it may be necessary to know if an item is ignitable, corrosive, toxic or reactive. Sources of information for item description include prior manifests and marking and labeling on the package. Some references that may help are the Hazardous Material Information Resource System (HMIRS), the Condensed Chemical Dictionary, the DOT Chemical Response Information System (CHRIS) book and the Material Safety Data Sheet (MSDS).

C8.5.5.1.2.3.5 CORs/COTRs shall carefully review all submitted data and request additional generator information, if needed, when reviewing turn in documentation for exotic, and/or propellant/explosive precursor waste such as oxidizers, reactives, organic peroxides, and/or waste appearing on the U.S. Munitions List. CORs/COTRs shall ensure that any required DEMIL waivers and supporting documentation is on file and current. Headquarter Environmentalists and COs should also be contacted if any doubt exists about the acceptability of an item under DOD 4160.21-M or the DRMS HW contract. If the waste is not acceptable for receipt under DOD 4160.21-M, a waiver request must be submitted by the DRMO COR or EPS to DRMS- B and approval given prior to DRMO receipt/Task Order request (regardless of whether received physically or in-place).

C8.5.5.2. Contract Line Item Number (CLIN) Assignment:

C8.5.5.2.1. Some contracts may have different CLIN structure. Look at specific contract as applicable. Proper CLIN assignment is critical for a smooth running contract. Questions concerning CLIN assignment should be directed to DRMS-BC.

C8.5.5.2.1.1 The bid schedule is broken into three primary categories - RCRA; State Regulated Hazardous Waste; and NON-RCRA, Non State Regulated Hazardous Waste. The CLIN selection will be dependent upon the most descriptive CLIN based on the framework of the contract and in accordance with the following criteria:

C8.5.5.2.1.1.1 *RCRA*. Wastes regulated by RCRA are identified according to the EPA waste number listed in 40 CFR, part 261 and referenced by the CLIN headings (i.e., IGNITABLE WASTE [40 CFR 261.21] DOO1). To determine a specific heading, selection will be made according to the criteria listed below. Once the specific heading is determined, a CLIN will be assigned based on the appropriate subcategory listed under the specific heading.

C8.5.5.2.1.1.1.1 If a waste exhibits more than one characteristic (more than one “D” waste number) the following hierarchy will apply to select the proper category:

Figure 1 - Hierarchy of Multiple Characteristic Waste Numbers

Reactivity	(D003)
Ignitability	(D001)
Corrosivity	(D002)
Toxicity	(D004-D043)

C8.5.5.2.1.1.1.2 If the waste is a combination of more than one listed waste with different waste numbers, the following hierarchy will apply to select the proper category:

Figure 2 - Hierarchy of Categorizing Waste Numbers

Acutely Hazardous	(P-Listed)
Dioxin Related	(F020-23, F026-28)

Leachate	(F039)
Electroplating Related	(F006-12, F019)
Spent Solvent	(F001-5)
Toxics	(U-Listed)
Industrial Process	(K-Listed)

C8.5.5.2.1.1.1.3 When a waste includes combinations of listed and characteristic waste, the category will be selected based upon the listed waste number(s).

C8.5.5.2.1.1.2 *State Regulated Hazardous Wastes.* Wastes that are State Regulated in the state where the waste is generated will be assigned the appropriate CLIN listed under the heading *STATE REGULATED HAZARDOUS WASTE*. All wastes generated in the state of Texas classified as TWC Class I nonhazardous waste will be CLINed in this category.

C8.5.5.2.1.1.3 *Non RCRA, Non State Regulated Hazardous Waste.* Waste that is not regulated by RCRA nor regulated by the state of generation, as hazardous waste will be assigned the appropriate CLIN listed under the heading *NON RCRA, NON STATE REGULATED HAZARDOUS WASTE*. All wastes generated in the state of Texas classified as TWC Class II or Class III nonhazardous waste will be CLINed in this category.

C8.5.5.2.1.2 CLIN selection within the waste category shall be accomplished as follows:

C8.5.5.2.1.2.1 If material is an aerosol, select the “*AEROSOLS*” CLIN.

NOTE: REGARDLESS OF SIZE -- AEROSOLS WILL BE ORDERED UNDER THE AEROSOL CLIN.

C8.5.5.2.1.2.2 If material is in a small container select the “*SMALL CONTAINER*” CLIN as defined in the contract.

C8.5.5.2.1.2.3 If material is in bulk (in containers having a capacity greater than 119 gallons, or any size non-removable container, or is not containerized), select the appropriate “*BULK*” CLIN.

C8.5.5.2.1.2.4 If containerized material contains any free liquids, select the “*CONTAINERIZED LIQUIDS/MULTI-PHASE*” CLIN; (see C8.5.5.2.1.2.5.1. below.)

C8.5.5.2.1.2.5 If containerized material contains no free liquids, select the “*CONTAINERIZED SOLIDS*” CLIN. (See C8.5.5.2.1.2.5.1. below.)

C8.5.5.2.1.2.5.1 Physical state based upon test method 9095 (Paint Filter Liquids Test) as described in “*Test Methods For Evaluating Solid Wastes Physical/Chemical Methods*”, EPA Publication No. SW-846.

C8.5.5.2.1.3 *Batteries*. All batteries will be ordered under the “*CONTAINERIZED SOLID*” CLIN in the appropriate category; however, if there are suffixed CLINs on the contract for Ni-Cad, Lead-Acid, Mercury, or other batteries, the suffixed CLINs *must* be used.

C8.5.5.2.1.4 *Empty Containers*. State Regulated Hazardous Waste and Non RCRA, Non State Regulated Hazardous Waste empty containers (excluding aerosols) will be ordered under the “*BULK SOLID*” CLIN. Aerosols will always be ordered under the appropriate aerosol CLIN.

C8.5.5.2.1.5 *PCB Contaminated Waste*.

C8.5.5.2.1.5.1 RCRA/State Regulated Hazardous Waste contaminated with PCBs will be ordered under the appropriate “*RCRA/STATE REGULATED HAZARDOUS WASTE*” CLIN. If the PCB concentration is at or above regulated levels, the applicable CLIN shall be suffixed with a “PP” or “P_” in the fifth and sixth positions and the following verbiage added to the description, “*contaminated with PCBs at or above regulated levels*”.

C8.5.5.2.1.5.2 Non-RCRA, Non State Regulated Hazardous Waste contaminated with PCBs, will be ordered under the 7000 series CLINs, using the CLIN for the applicable concentration level.

C8.5.5.2.1.6 *Aerosols*. The “*AEROSOLS*” CLINs found in most categories of the contract bid schedule are to be used only for small pressurized containers (including, but not limited to, paints, pesticides, lubricants, engine starting canisters, etc.) Compressed gas cylinders as defined in DLA I 4145.25, Storage and Handling of Liquefied and Gaseous Compressed Gases and Their Full and Empty Cylinders, are to be ordered using the appropriate Compressed Gas Cylinder CLIN.

C8.5.5.2.1.7 *Compressed Gas Cylinders*. Compressed gas cylinders shall be assigned CLINs as follows:

C8.5.5.2.1.7.1 Determine the appropriate category (e.g., Poison, Refrigerant, Flammable, etc.). If a cylinder can be placed into more than one category, selection will be performed utilizing the following hierarchy:

C8.5.5.2.1.7.1.1 *Oxidizer*: Any gas, which meets the DOT definition of oxidizer (49 CFR 173.127). A gas that causes or enhances combustion, usually by yielding oxygen.

C8.5.5.2.1.7.1.2 *Silane/Pyrophoric*: Any mixture with greater than 5% silane or any which will spontaneously ignite/combust at 130 degrees F. A silane is silicon tetrahydride or compounds that contain a $\text{Si}_n \text{H}_{2n+2}$ group.

C8.5.5.2.1.7.1.3 *Refrigerant*: Halocarbons or refrigerants. Any gas containing greater than 30% halogens.

C8.5.5.2.1.7.1.4 *Corrosive*: Any gas with a DOT corrosive classification or an EPA waste code of D002.

C8.5.5.2.1.7.1.5 *Poison*: Any gas classified as a poison by DOT (49 CFR 173.115).

C8.5.5.2.1.7.1.6 *Flammable*: Any gas with a DOT flammable classification (a gas that is ignitable at atmospheric pressure when in a mixture of 13% or less by volume in air, or a gas with a flammable range at atmospheric pressure with air at least 12% regardless of lower limit).

C8.5.5.2.1.7.1.7 *Non-Flammable*: Any gas, which will not burn or support combustion (usually having less than 10% hydrocarbon or 20% oxygen).

C8.5.5.2.1.7.1.8 *Inert*: A compressed gas that is not flammable, corrosive, oxidizable, or poisonous, and is essentially chemically inactive (basically, any gas which is not regulated when vented directly to the atmosphere). Gases such as helium, neon, argon, and nitrogen, are considered inert.

C8.5.5.2.1.7.2 Select the CLIN within the category by the size of the cylinder:

C8.5.5.2.1.7.2.1 *Small Cylinder*: not to exceed 4" in diameter and/or 16" in length (includes lecture bottles and cartridges).

C8.5.5.2.1.7.2.2 *Medium Cylinder*: not to exceed 12" in diameter and/or 36" in length.

C8.5.5.2.1.7.2.3 *Large Cylinder*: not to exceed 20" in diameter and/or 72" in length.

NOTE: Valve will not be included in determining the length of the cylinder.

C8.5.5.2.1.8 *Universal Waste*. Universal Waste will be ordered under the appropriate CLIN in the "Universal Waste" (9800 Series) category.

C8.5.5.3. Use of the Hazardous Waste Manifest (Reference 40 CFR 262.20).

C8.5.5.3.1. *General*. The manifest is a special shipping paper used for tracking the movement of hazardous wastes. The EPA and DOT require that all shipments of RCRA hazardous wastes be accompanied by a hazardous waste manifest. The manifest serves as part of the "cradle-to-grave" record that documents proper management of the waste.

C8.5.5.3.2. *Responsible Parties*. The RCRA identifies three parties: the generator, the transporter and the TSDF.

C8.5.5.3.2.1 The generator is charged with the responsibility of preparing the manifest document and signing the manifest certification. Generator signatory authority is site-specific. That is, the generator or authorized representative must be physically located at the site where the hazardous waste is generated. DRMOs located off-site from where the hazardous waste is generated *cannot* sign manifests *exclusively* as the generator for the facility. A signature by an authorized representative physically located at the generating activity is required. An authorized DOD representative will sign manifests. DRMOs may sign as the generator for military activities where they are physically located, as these DRMOs meet the definition of “an authorized representative” by being located on the military facility. To operate in this manner, the commanding officer must designate the DRMO as an authorized representative of the facility. For manifesting purposes, the DRMO, in conjunction with the host installation, is the generator.

C8.5.5.3.2.2 In most cases, the disposal contractor prepares the manifest for the DRMO under the terms of the contract. The permit holder (installation commander) has primary responsibility for signing manifests, but may delegate signature authority. An authorized DOD representative will sign manifests.

C8.5.5.3.2.3 The transporter signs the manifest, acknowledging receipt of the HW listed on the manifest. A signed copy is provided to the generator and the remaining copies are carried with the shipment. Check with the state regulators to see if they require a copy.

C8.5.5.3.2.4 The receiving TSDF owner or operator signs the manifest acknowledging receipt of the waste. That TSDF is required to give the transporter a copy, send a copy to the generator and, depending on state regulations, send a copy to the state regulator.

C8.5.5.3.2.5 The signature responsibilities outlined in paragraph C8.5.5.3.3.1. also apply to LDR requirements including contractor-prepared waste notification forms and forms to identify/test hazardous wastes, including the Toxicity Characteristic Leaching Procedure (TCLP).

C8.5.5.3.2.6 Hazardous waste profile forms prepared by a contractor to profile the waste into a TSDF satisfy an industry practice; *but they are not a regulatory requirement*. Consequently, it is appropriate for the disposal contractor to sign these forms. *(These profiles should not be confused with the DRMS Form 1930, “Hazardous Waste Profile Sheet”, which must be signed by the Generator or an authorized representative)*

C8.5.5.3.2.7 DRMO personnel should only sign forms if they are confident that the information on the form is correct. If doubt exists, they should research and resolve questions prior to signing the form. This research should include, as a minimum, using all available supporting documentation, going back to the generator for clarification or additional information and, if necessary, elevating the question through command channels for resolution.

NOTE: The DRMO COR is not required to co-sign at locations where the generator has been appointed as COTR.

C8.5.5.3.3. *Required Information.* There are three categories of information that must be entered on the manifest: the responsible party identification, hazardous waste identification and certification. In some cases, additional state information may also be required.

C8.5.5.3.3.1 The uniform manifest regulations require the generator to assign the EPA identification number of the facility having custody of the waste.

C8.5.5.3.3.2 All parties must also be properly identified on the manifest. The following information is required:

C8.5.5.3.3.2.1 Generator.

C8.5.5.3.3.2.1.1 The EPA identification number of the facility from which the manifested wastes are shipped.

C8.5.5.3.3.2.1.2 Name, mailing address of the generator and 24-hour emergency notification telephone number of the location that will manage the returned manifest forms. (The address may be the DRMO if they are to receive the return copies).

C8.5.5.3.3.2.2 *Transporter.* The transporter's name and EPA identification number. The transporter's name and EPA identification number are to be supplied at the time of pickup, and must be consistent with the names and EPA ID numbers identified on the DRMS web page. <http://www.drms.dla.mil/environmental/Qualtran.pdf>

C8.5.5.3.3.2.3 *TSDf.* The TSDf's name, address and EPA ID number (the facility designated for receiving the waste) must be supplied and be consistent with the list of such facilities on the DRMS web page. <http://www.drms.dla.mil/environmental/qualfac.pdf> The requirement to know the correct TSDf identity is also required for the determination of which state's uniform manifest form to use. Do not release property to a transporter/contractor that is not approved on the contract.

C8.5.5.3.3.3 Hazardous Waste Identification. This consists of:

C8.5.5.3.3.3.1 Description of each waste, as found in 49 CFR 172.101, including:

C8.5.5.3.3.3.1.1 identification number (UN or NA), and a

C8.5.5.3.3.3.1.2 proper shipping name.

C8.5.5.3.3.3.1.3 hazard class.

C8.5.5.3.3.3.1.4 packing group.

C8.5.5.3.3.3.2 The quantity of each waste in units of weight or volume.

C8.5.5.3.3.3 The type and number of containers loaded onto the transport vehicle.

C8.5.5.3.3.4 Waste identification number, when required by a state.

C8.5.5.3.4 Certification. There is a pre-printed certification of the uniform manifest that must be signed by the generator.

C8.5.5.3.4. *Emergency Response Telephone Numbers.* Emergency response telephone numbers are required in block 3 of the manifest. For shipments hauled by disposal contractors, the disposal contractor will provide the 24-hour telephone number.

C8.5.5.3.5. *Emergency Response Information.* Emergency Response Information including information on immediate hazards to health; risk of fire or explosion; immediate methods for handling small or large fires; initial methods for handling spills or leaks; and preliminary first aid measures which must be available for use away from the package containing the hazardous material. The shipping paper may contain the information or it may contain a reference to another document that contains the information. To implement this, the DRMO should use the North American Emergency Response Guidebook and reference the appropriate guide page on the manifest or attach a copy of the page to the manifest that has the reference. The transporter is required to carry emergency response information. A sample manifest is provided to show how implementation of the above affects a shipment (See 40 CFR 262.20). See paragraph C8.26.

C8.5.5.3.6. *DOT Description.* A new shipping paper basic shipping description sequence is now recommended by DOT on a voluntary basis, but will become mandatory on Jan 1, 2013: UN ID Number, PSN, Hazard class (Division), packing group. The information for item descriptions may be found in numerous sources such as:

C8.5.5.3.6.1 49 CFR 172.101, Hazardous Material Table.

C8.5.5.3.6.2 Hazardous waste turned in from an off-site generating activity that was manifested to a permitted DRMO. The DOT description on this manifest can then be used on the manifest for contract disposal.

C8.5.5.3.6.3 If an item was not turned in as a hazardous waste, or was turned in from on-site, further research must be conducted to determine the proper shipping name, hazard class, and identification number.

C8.5.5.3.6.4 If the Hazardous Materials Table (HMT) is used to select the proper shipping name, the selection will be accomplished using the following guidelines:

C8.5.5.3.6.4.1 Use an entry that appears in the HMT in Roman (bold) type. Italicized entries are not proper shipping names (PSN) and cannot be used. (Italicized entries generally cross reference another PSN or a common name, or indicate the item is forbidden from transportation. See "cupric cyanide.")

C8.5.5.3.6.4.2 Use the entry in the HMT that most appropriately describes the item. When determining the most appropriate PSN for the item, selection should be based on the following priorities:

C8.5.5.3.6.4.2.1 Technical (chemical) name. If the technical name of the material is in the table that is the Proper Shipping Name (e.g., acetone).

C8.5.5.3.6.4.2.2 Application (usage) Name. If the material does not have a technical name, and an application or usage type name is in the table, that is the Proper Shipping Name (e.g., Paint).

C8.5.5.3.6.4.2.3 Not Otherwise Specified (N.O.S.) Name. If neither a technical nor application type name appears in the table, use the N.O.S. entry specific to the hazard class as the Proper Shipping Name (e.g., Flammable Liquid, N.O.S.).

C8.5.5.3.6.4.3 If unable to find a PSN for the item in the HMT, it must be a non-hazardous material.

C8.5.5.3.7. Modifications to PSN.

C8.5.5.3.7.1 DOT has listed a few cases where modifications to the PSN are either allowed or required. The following qualifying words may be used as part of the PSN when appropriate:

C8.5.5.3.7.1.1 Waste.

C8.5.5.3.7.1.2 Mixture.

C8.5.5.3.7.1.3 Solution.

C8.5.5.3.7.2 For hazardous wastes, if the word “*waste*” is not included in the PSN appearing in the HMT, then the word “*waste*” must be entered immediately preceding the PSN appearing in the table and it becomes part of the PSN. For example: acetone identified as hazardous waste (HW) would have a PSN of “*waste acetone*.”

C8.5.5.3.7.3 For combinations of one hazardous material listed in the HMT by technical name and one or more non-hazardous items, the words “*mixture*” or “*solution*” may be added to the PSN to properly describe the item, provided that the item (mixture or solution) has the same hazard class as its hazardous component. For example: A solution of acetone and water meeting the definition of a flammable liquid would have the PSN “acetone solution.”

C8.5.5.3.7.3.1 A mixture is any combination of two or more chemical compounds or elements.

C8.5.5.3.7.3.2 A solution is any homogeneous liquid mixture of two or more chemical compounds or elements that will not undergo any segregation under conditions normal to transportation.

C8.5.5.3.7.3.3 A mixture can be either liquid or solid; a solution is a liquid mixture that will not separate while being transported.

C8.5.5.3.8. Technical Names for N.O.S. and Generic Items. DOT defines technical names as the chemical names recognized in scientific and technical journals. DOT requires that, for hazardous materials described under N.O.S. descriptions, the technical name of the hazardous material be entered on the shipping paper. It is entered in parentheses with the basic description. For example: “*Corrosive liquid N.O.S. (Caprylyl chloride)*.” If a hazardous material is a mixture or solution of two or more hazardous materials, the technical names of at least two components most predominantly contributing to the hazards of the mixture or solution must be entered on the shipping paper. For example: flammable liquid, corrosive, N.O.S. (contains Methanol, Potassium hydroxide).

C8.5.5.3.9. PSNs may be either singular or plural.

C8.5.5.3.10. *Use of the prefix “mono” in a PSN is optional.* For example: “monoethen-olamine” may be correctly assigned the PSN “ethanolamine.”

C8.5.5.3.11. When the PSN includes a concentration range as part of the shipping description, the actual concentration being shipped, if it is within the range stated, may be used in place of the concentration range listed in the HMT. For example: A hydrogen peroxide solution containing 30 percent peroxide may be identified by either the PSN “*hydrogen peroxide solution (8% to 40% peroxide)*” or “*hydrogen peroxide solution 30% peroxide.*”

C8.5.5.3.12. *Tentative Shipping Name.* DOT allows assignment of a tentative shipping name in lieu of a PSN in some instances. In cases where the DRMO has either (a) a material for which the hazard class is to be determined by testing, or (b) a hazardous waste for which the DRMO is unsure of the PSN, a tentative shipping name (and related hazard class and identification number) may be assigned based on the following:

C8.5.5.3.12.1 The defining criteria contained in 49 CFR 173.

C8.5.5.3.12.2 The hazard precedence prescribed in 173.2.

C8.5.5.3.12.3 Personal knowledge of the material or waste.

C8.5.5.3.13. PSN Selection for Combined Hazardous Materials. When two or more hazardous materials are mixed, the PSN that must be selected is based upon the hazard class(es) of the mixed item. For example: For a mixture of 70% acetone and 30% xylene, the correct PSN would be “*flammable liquid, N.O.S.*” If the mixture has more than one hazard class, use the hazard precedence prescribed in 173.2 to select the PSN.

C8.5.5.3.14. *Empty containers.* Unless a container has been “*cleaned and purged*” of all residue, it must be described in the same manner as when it held hazardous material (49 CFR 173.29). The proper shipping description required on a manifest will depend upon the identity of the residue. For empty containers with residue, the basic description may be preceded by the words, “*RESIDUE: Last Contained . . .*” (49 CFR 172.203(e)). For example, a 55-gallon drum with acetone residue might be described as “*RESIDUE: Last contained Waste Acetone, Flammable Liquid, UN 1090, 1 DM, 1 G*”. Additionally, all marking and labeling requirements must also be in compliance.

C8.5.5.4. Land Disposal Restriction Notifications (LDRN).

C8.5.5.4.1. When a land-disposal-restricted waste is shipped, a Land Disposal Restriction Notification form (LDRN) must be provided to the TSDF receiving the hazardous waste, which specifies whether the waste has or has not been treated, and if treated, the degree of treatment. Specific information is required on this notification form but there is no mandatory form to be used. TSDFs usually require the use of their own form, and if so, the contractor will provide them along with other required documentation. DRMS has a form (DRMS Form 1851) that can be used. Any form may be used as long as it meets the requirements of 40 CFR 268.7. EPA permits electronic versions for use.

C8.5.5.4.2. As an alternative to sending a signed LDRN with every shipment, the notification requirement of the LDR program allows for a one-time notification for recurring waste streams. The one time notification applies to shipments of all LDR restricted wastes and lab packs. A LDRN is required with an initial shipment of hazardous waste to a TSDF. After this initial shipment, no additional notification is required to accompany shipments unless there is a change in the waste composition or TSDF that the waste is sent to. The generator shipping the waste and the TSDF that receives the waste must maintain a copy of each one-time notification. See Section 4, Supplement 2, Chapter 8, Enclosure 1, for more LDRN information.

C8.5.5.5. Packaging:

C8.5.5.5.1.1 Column 5 of the HMT lists the 49 CFR 173 cross references which outline the packaging requirements. Column 8a refers to the subsection of 49 CFR 173, which details conditions under which exception (non-specification) packaging may be used; column 8b refers to the applicable specification packaging requirements. Column 7 references special provisions.

C8.5.5.5.1.2 If there are no detailed packaging specifications for an item (an entry of “none” in column 8b) then, at a minimum, the package must meet the general DOT requirements as described in 49 CFR 173.24. The general requirement is that the package must be designed and constructed to maintain its integrity under normal transport conditions, and the contents must be properly constrained so that the container's integrity will not be compromised and there will be:

C8.5.5.5.1.2.1 No significant release of hazardous materials.

C8.5.5.5.1.2.2 No significant damage to containers (package).

C8.5.5.5.1.2.3 No heat or pressure buildup to the point of explosion through vapor or gas mixture.

C8.5.5.5.1.3 *Exceptions.* Although there are different types of exceptions, the most frequently encountered is the limited quantity exception. A limited quantity is a material that is packaged in accordance with the “limited quantity” paragraph or subparagraph contained in the section referenced by the entry in column 5. Generally, it is the first paragraph in the section.

C8.5.5.5.1.4 *Specific Packaging Requirements:* To assist in recognizing which DOT specification a container meets, the following information is required to be legibly marked or embossed on the container certifying that the container meets DOT regulations:

C8.5.5.5.1.4.1 Letter and number identifying the container specification.

C8.5.5.5.1.4.2 Name, address, or symbol of person making above marks.

C8.5.5.5.1.5 Another way of determining the specification of the container is the manufacturer's certification provided by the transporter, if the transporter is supplying the containers.

C8.5.5.6. Marking:

C8.5.5.6.1. Markings must be printed in English directly on the surface of the package or on a label, tag, or sign securely affixed to the package. They must be displayed on background of sharply contrasting color, must be unobscured, and must be durable.

C8.5.5.6.2. DOT requires that containers of 110 gallons or less bear specific identification markings (containers with a capacity of more than 110 gallons or more are considered to be portable tanks and are covered by separate regulations).

C8.5.5.6.3. These markings include proper shipping name and DOT identification number and the name and address of the consignee or consigner, if the item is to be handled by more than one transporter. They must correspond to information on the manifest. For hazardous waste, the PSN marking does not have to include the word “waste,” if the package bears the EPA marking prescribed by 40 CFR 262.32.

C8.5.5.6.4. If the proper shipping name for a mixture or solution that is a hazardous substance does not identify the hazardous substance, the substance must be identified in association with the proper shipping name when marking the container. This can be done by showing:

C8.5.5.6.4.1 Technical name of hazardous substance.

C8.5.5.6.4.2 EPA characteristic of hazardous substance.

C8.5.5.6.4.3 EPA waste number of hazardous substance.

C8.5.5.6.5. The letters “RQ” will also be displayed with the shipping name, if appropriate; i.e., if the package exceeds the quantity listed in the appendix to the HMT.

C8.5.5.6.6. The “*hazardous waste*” marking must appear on every package containing a hazardous waste and must give the generator's name and address, as well as the manifest document number.

C8.5.5.6.7. Hazardous wastes that are classified as Other Regulated Material (ORM) must bear the appropriate ORM designator on the outside of the package. The designator must be placed within a rectangle that is approximately one-quarter inch larger on each side than the designator, and must be placed either immediately following or below the PSN.

C8.5.5.6.8. Any package having inside containers of liquid hazardous material must be legibly marked with a double arrow designator underlined in a rectangular border if using the DOT packing standards, to indicate the upward position of the inside packages. (49 CFR 172.312)

C8.5.5.6.9. *International Shipments*: Prior to the hazardous property leaving the international DRMO, it must be properly marked in accordance with host country transportation regulations or international transportation regulations. If host country transportation regulations are not as stringent as international regulations, the DRMO will elevate the issue to DRMS-O legal office for review. Retrograde property will be marked, as a minimum, according to U.S. DOT regulations.

C8.5.5.7. Labeling:

C8.5.5.7.1. DOT has also established a very rigid system for the labeling of hazardous wastes that are transported by railcar, aircraft, vessel and motor vehicle. This manual covers only transport by motor vehicle.

C8.5.5.7.2. Unlike the regulations on marking, the labeling regulations are specific as to size, color, shape and design. Use the following to determine which label(s) to use:

C8.5.5.7.2.1 A primary source of information on labels is the DOT HMT in 49 CFR 172.101 and 172.400. Column 6 of the HMT lists the labeling requirements opposite the proper shipping name in column 2. In most cases, a single label is listed; in some cases, two or three labels are listed. The word “none” appears opposite those materials in the ORM and combustible liquid hazard classes.

C8.5.5.7.2.2 Multiple labels are required when the material meets the definition of more than one hazard class. The definitions of the hazard classes are found at the beginning of the applicable subparts of 49 CFR 173.

C8.5.5.7.2.3 Certain exceptions to labeling requirements are provided for small quantities and limited quantities in applicable sections in 49 CFR Part 173. Other exceptions are explained in 49 CFR 172.400a.

C8.5.5.7.3. The label must be printed on, or affixed to, the surface of the package near the proper shipping name. DRMS recommends placement as close as possible. When two or more labels are required, they must be displayed next to each other. When the packages are small, or irregularly shaped, the labels can be placed on a tag that is securely affixed to the package. Finally, the label(s) must not be obscured by any markings or attachments.

C8.5.5.7.4. The regulations are extremely specific on the design of the labels (pictures of, and specifications for, the approved labels are found in 49 CFR 172.407 through 172.450).

C8.5.5.7.5. The label must represent the hazards of the hazardous material in the package. Any improper labels must be removed.

C8.5.5.7.6. When feasible, labels should be in English and host-country language. Proper labeling for international DRMOs follows:

C8.5.5.7.6.1 For HM, the following information must be on the container:

C8.5.5.7.6.1.1 Identity of the hazardous chemicals.

C8.5.5.7.6.1.2 Appropriate hazard warnings.

C8.5.5.7.6.1.3 Name and address of chemical manufacturer, importer, or other responsible party.

C8.5.5.7.6.2 For HW, the following information must be on the container: (The words “*hazardous waste*” need not be used if it may cause confusion with host-country definitions or may be misleading.)

C8.5.5.7.6.2.1 Hazardous waste (optional for international DRMOs).

C8.5.5.7.6.2.2 Proper shipping name and UN number.

C8.5.5.7.6.2.3 Generator's name and address.

C8.5.5.7.6.2.4 EPA waste number (internationally, this applies to retrograded HW only).

C8.5.5.7.6.2.5 Accumulation start date (does not apply to international DRMOs, but they must mark receipt date on container).

C8.5.5.7.6.2.6 Manifest document number (use DD Form 1348-1 number or a system that will provide an audit trail).

C8.5.5.8. *Weighing HM/HW Released on Service Contracts.* A “weighing of property” clause is included in HM/HW disposal contracts. The COR/COTR will review and comply with this clause. Unless the contract clause contains instructions to the contrary, the following general rules apply:

C8.5.5.8.1. *Containerized Material.* Waste shipped in containers less than or equal to 119 gallons is considered “containerized” waste under DRMS contracts. The weight of the container(s) should be included in the total weight upon turn in by the generator, and that total weight should go on the task order for removal. The contractor has the option of weighing each container prior to removal for verification purposes. If the contractor chooses not to weigh containers at the time of removal, that is permitted; but the contractor then accepts responsibility for that weight for tracking and payment purposes, thereafter.

C8.5.5.8.2. *Bulk Material.* Bulk material (material removed without the original container, usually in a tank truck) will be weighed on government scales when they are more convenient and are certified for trade. When commercial scales are used, all costs are the responsibility of the contractor. The weight ticket showing both weights and the computed (gross-tare) net weight will be provided to the COR/COTR and made a part of the file. (For scales that do not produce a printed ticket, a DLA Form 146, “*Weight Ticket*,” or equivalent form will be used.) In all cases the net weight will be the quantity invoiced by the contractor. Bulk items can also be measured by calculation, provided the specified gravity of the material is known and the volume actually picked up is determined.

C8.5.5.9. Placarding:

C8.5.5.9.1. Placards are posted on freight containers and transport vehicles to alert individuals to hazards associated with the material being transported.

C8.5.5.9.2. The placarding regulations are in 49 CFR 172.500. These regulations place the responsibility for having the appropriate placards on both the shipper and transporter. DRMS contracts place responsibility for providing and displaying placards with the contractor; i.e., the transporter.

C8.5.5.9.3. Placarding does not apply to hazardous materials classed as ORM-D, combustible liquids in non-bulk packaging, or limited quantities when identified as such on the shipping paper.

C8.5.5.9.4. Required placards are listed in the two tables found at 49 CFR 172.504. When any quantity of a material whose hazard class is listed in the left hand column of Table 1 is loaded into/onto a transport vehicle, the vehicle must be placarded as specified in the right hand column of Table 1. Normally a DRMO does not receive items with hazard classes listed on “Table 1”, but when determining placarding requirements, always check Table 1 first.

C8.5.5.9.5. A vehicle must be placarded for items whose hazard class is listed in Table 2 if the vehicle contains 1,001 pounds or more (aggregate gross weight) of one or more of those items. If the vehicle contains two or more classes of materials listed in table 2, requiring different placards, the vehicle must be placarded for each class, or a “*dangerous*” placard may be used. But, if 2,205 pounds or more of any one class of material is loaded at one loading point, the placard specified for that class must be displayed.

C8.5.5.9.6. Placards (when used) must be placed on each end and each side of the vehicle. They must be readily visible from the direction they face.

C8.5.5.9.7. It is prohibited by regulation to display improper placards.

NOTE: Also see C8.24.

C8.5.5.10. Release of Property/Discrepancies:

C8.5.5.10.1. *Release.* Do not release property to a transporter/contractor unless all documentation is correct and property to be released has been accounted for. This includes reconciliation of all information contained on the DD Form 1348-1s, delivery orders, manifests, and pick up reports. The COR/COTR must check the manifest, the packaging, markings and labels for shipment and count the drums/containers loaded to be sure the number agrees with the manifest. If everything is in compliance with the regulations, the COR/COTR and/or the generator will sign the manifest certification and date it. CORs/COTRs will make all other checks required under the terms of the contract and, if everything is in compliance, will release the property.

C8.5.5.10.2. Discrepancies:

C8.5.5.10.2.1 The contractor should provide copies of the completed manifest and other required documentation to the COR/COTR and to the generator for review and approval at least five days prior to removal (expedited removals will have a shortened review timeframe; check the contract to be sure). *Any discrepancies should be resolved, noted, and included in the Collection Summary Report. The Contracting Officer will use this information for evaluating the contractor’s “Past-Performance” record.* If a discrepancy cannot be resolved, contact DRMS-BCE for technical information and the CO for guidance.

C8.5.5.10.2.2 For discrepancies or suspected discrepancies discovered after the property has been removed by the contractor, the COR/COTR shall make the proper notifications as directed by C8.9., this chapter, immediately after the discrepancy is known or suspected. Discrepancies must be followed up with a SITREP report as specified in DRMS-I 3020.1.

C8.5.5.11. *BOSS Data Input After Waste Removal.* In order for DRMS-PH to meet the “Prompt Payment” timeframes contained in each contract, it is imperative that DRMOs input removal data and TSDF Receipt Dates in a prompt and consistent manner. Contractors who are not paid within established timeframes may be due compensation from DRMS. Therefore,

the following timeframes for data input are mandatory, except in extenuating circumstances:

C8.5.5.11.1. *PMF Input.* When HP is removed by a contractor, the DRMO will input data from the DD Form 1155, “*Order for Supplies or Services*”, into the “Pickup Manifest” (PMF) function of SHIP/BOSS, within five (5) working days. This will allow the SHIP/BOSS/DAISY interface to clear the DAISY inventory record of HP that has been picked up. If the interface does not clear the record in DAISY, manually input the data using the “*issue to ultimate disposal*” screen.

C8.5.5.11.2. *TSDf Receipt Date.* Upon receipt of the signed TSDf return copy, the DRMO will input the “*TSDf Receipt Date*” into the BOSS or SHIP PMF screen, within three (3) working days (The preferred method is to use the SHIP PMF Return Date Screen which will update all BOSS entries for that manifest). The receipt copy is proof that the customer’s waste reached a DRMS-authorized TSDf, and the input of the “*TSDf Receipt Date*” into BOSS notifies DRMS-PH to initiate payment to the disposal contractor. Untimely input can result in an item being designated in an “overage” status. Overage HW status is reported in the monthly Review and Analysis to the DRMS Management Team and both the DRMO and J-76 are held accountable.

NOTE: Manifest discrepancies must be reconciled *before* the TSDf Receipt Date is input. If discrepancies cannot be reconciled within three days of receipt of the “*TSDf Receipt Copy*”, contact the Contracting Officer for guidance.

C8.5.5.11.3. Manifest File.

C8.5.5.11.3.1 A copy of the manifest must be kept in a suspense file until a copy, signed by the designated TSDf certifying receipt of the property, is received. Notify the CO if the signed copy of the document is not received within 30 days after shipment. If it is not received by the end of the 45-day period, prepare and send an exception report, through the host, to the regulator.

C8.5.5.11.3.2 The exception report consists of a legible copy of the manifest and a cover letter explaining what was done to locate the shipment after 30 days.

C8.5.5.11.3.3 The signed copy, when received, must be retained at least 3 years (or longer depending on individual state regulations) from the date of the initial shipment.

C8.5.5.11.3.4 State regulations may differ. Contact the appropriate state agencies to determine what state regulations apply.

C8.5.5.12. *Withdrawal of Property From a Task Order.* Occasionally, for various reasons, disposal contractors may not want to remove specific items on a task order within the required timeframes. In some instances, the contractor will request that the COR have the item(s) deleted from that task order and added to a future one. CORs must have approval from their customers prior to submitting a withdrawal request to the Contracting Officer, *and storage timeframes should never be compromised for the convenience of the disposal contractor.*

CORs should document all circumstances surrounding any requests by the contractor or the customer to remove an item from a task order.

C8.5.5.13. *Record keeping.* Maintain an official COR file in accordance with Defense Logistics Agency Directive (DLAD) 4105.1, Subpart 90.603. This file must also be in accordance with 40 CFR 262, 264/265, Chapter IV, Paragraph U.

C8.5.6. International Requirements.

C8.5.6.1. Contract services for European/SWA DRMOs are provided by DRMS-PHO in Wiesbaden, Germany. Asia and Pacific contract services are provided by DRMS-PHW. Questions regarding the Menu of Services and international CLIN lists should be directed to the appropriate office.

C8.5.6.2. International contract structure differs slightly from that of Battle Creek, particularly in the numbering of specified sections. Evaluation of submissions for the addition of qualified transporters and facilities on international disposal contracts will be performed by the applicable FST Environmental office within the Area of Responsibility for the facility or transporter in accordance with criteria applicable to the particular international location. Additional Facilities and Transporters shall be added by the FST to the BOSS database as workload/expertise allow. Facility inspections, annual reviews and site visits will be managed and coordinated by the applicable FST. Instructions regarding management of the facility Quality Assurance program are detailed in C.8.5.2.4.

C8.5.6.3. Training requirements for contractor personnel internationally vary from DRMS CONUS training standards. Training of contractor personnel must meet host nation and OEBGD/FGS standards.

C8.5.6.4. The FST Environmentalist is responsible for many of the functions performed by DRMS-BCE. The best person to work with the customer to develop a contract is the person that knows their customer best, the COR or local environmentalist. DRMS-P has provided the tools (Statement of Work (SOW) templates, standardized CLIN list, Menu of Services) to effectively gather and document requirements and provides oversight and guidance and final review of the proposed SOW.

C8.5.6.5. Manifests vary from country to country, and in some cases, do not exist as such. The country specific FGS, Chapter 6, Hazardous Waste, or the OEBGD should be consulted for manifest requirements.

C8.5.6.6. Prior to hazardous property leaving the international DRMO, the transport vehicle must be properly placarded in accordance with host-country transportation or international transportation regulations. If host-country transportation regulations are not as stringent as international regulations, the DRMO will elevate the issue to the region legal office for review. Retrograde property will be, as a minimum, placarded in accordance with U.S. DOT regulations.

C8.5.6.7. For DRMOs receiving FEPP (C1.8.1.3.), placarding will be in accordance with the appropriate host nation and/or international transportation regulations.

C8.5.7. Review and Closeout of Task Orders.

Where Final Disposal Information is Unavailable (as Determined by the Contracting Officer).

C8.5.7.1. Initial follow up: The contracting officer for each hazardous disposal contract will attempt to have the disposal contractor obtain complete and final disposal information as required by the contract and technically reviewed by environmental specialists in DRMS-BCE.

C8.5.7.2. Unavailable disposal information: In those cases where the contracting officer has explored all avenues, and is convinced that the contractor is unable to provide complete and final disposal information, a risk assessment should be conducted as provided by the attached Standard Operating Procedure, and the resolutions documented, before the task order is closed.

C8.5.7.3. Assessment: All task order items will be scrutinized and assessed for risk based upon the potential consequences for not receiving complete and final disposal information. Upon request of the Contracting Officer, DRMS-BC will evaluate open items to identify their risk category as low or high as defined below. DRMS-BC will respond to DRMS-PH with a risk assessment to include the category and a brief rationale for high risks within five business days of a request. This response will be submitted to DRMS-PH within 14 calendar days if coordination with other offices is required. Items will be divided into two risk categories: "Low" and "High".

C8.5.7.3.1. Low-Risk Category: Any item that is not in the high risk category will be considered a low risk. RCRA and/or state regulated wastes may be considered low risk if the incomplete audit trail available (Phase I or Phase II) ends at a facility on the qualified list or meets qualified list criteria and has an acceptable final disposal method for the waste.

C8.5.7.3.2. High-Risk Category:

C8.5.7.3.2.1 National/Domestic Security-type Risks: Items for which Disposal-in-lieu-of-DEMILitarization is allowed or preferred; e.g., all DEMIL items, Chemical Defense Equipment (CDE), Submarine tiles, poisonous gases, reactives (D003, 9300 series HINs), oxidizers (D001), DEA Watch List Items, etc., which could be used as weapons of terror.

C8.5.7.3.2.2 Increased Regulatory Scrutiny-type Risks: Items for which the customer is required by regulation to do any or all of the following:

C8.5.7.3.2.2.1 Receive a Certificate of Destruction (CD); e.g., PCB items.

C8.5.7.3.2.2.2 Provide the final disposal method on their annual report.

C8.5.7.3.2.2.3 Pay annual waste fees, based upon final management methods (known states: Georgia, California; other states may have this requirement in the future.)

C8.5.7.3.2.2.4 Provide an exception report due to lack of receipt at the first permitted disposal facility.

C8.5.7.3.2.3 Third Party cleanup high risk: Items for which the final reported receipt is at a facility which has not been approved by DRMS.

C8.5.7.3.2.4 Criminal activity high risk: Items for which DRMS suspects or has information to indicate waste was illegally disposed or used for illegal purposes in the past.

C8.5.7.4. Further Review and Coordination: As required, DRMS-BCE will coordinate review of delivery order documentation and recommendations with the following offices. Each assigned office will have five business days to respond to DRMS-BCE. DRMS-BCE will update the status of items forwarded to the below offices via email. These additional reviews will be provided by DRMS-BCE to DRMS-PH with the risk assessment outlined in C8.5.7.3.

C8.5.7.4.1. DRMS-BCD will review National / Domestic Security items.

C8.5.7.4.2. DES-W will review Safety and Third Party risk items.

C8.5.7.4.3. DRMS-DG will review items recommended for legal review and criminal investigation.

C8.5.7.4.4. DRMS-T will review items recommended for criminal investigation.

C8.5.7.5. Notifications:

C8.5.7.5.1. National/Domestic Security-type Items and Potential Criminal Activity: Defense Criminal Investigative Service (DCIS) through DCIA upon recommendation of either DRMS-BCE, BCD, G, or Q. Coordination of this recommendation will be through DRMS-T to DRMS-D.

C8.5.7.5.2. Increased Regulatory Scrutiny-type and Third Party Cleanup Items: DRMS-PH, DLA-DES and DRMS-DG will coordinate and notify the generator(s) affected.

C8.5.7.5.3. Any item closed out without final disposal information: DRMS-PH and DRMS-BCE will coordinate with the DSD Environmentalist and DRMO COR for each Generator of each closure action taken and prepare a letter in writing to the Generator's command identifying the items and steps taken to satisfy generator requirements and concerns.

C8.5.7.6. Determination to close out Delivery Order files:

C8.5.7.6.1. The Contracting Officer in DRMS-PH reviews the determinations and recommendations provided in this guidance and the attached SOP and makes a written determination to close out delivery order items with missing disposal information along with consideration for the government determinations (if the contractor in question is still actively performing on a DRMS HW contract) and contractor past performance evaluation updates.

C8.5.7.6.1.1 Low-Risk Category: Upon completion of the risk determination by DRMS-BCE, the manifest tracker will input low risk items input into BOSS DMF using the code of "XXX". When all lines have been reviewed for low/high risk determination and loaded into BOSS, DRMS-BCE will provide the complete review package to DRMS-PH for consideration determination and/or complete other actions to be taken, such as annotation of the contractor's past performance record. Once the assessment has been received and reviewed, DRMS-PH will electronically notify DRMS-BCE of the outcome.

C8.5.7.6.1.2 High-Risk Category: High-risk items should remain open until comments and/or recommendations have been received from the appropriate reviewing office(s). Upon completion of the risk determination by DRMS-BCE, the high risk items will be input by the manifest tracker into BOSS DMF using the code of "XYZ". When all lines have been reviewed for low/high risk determination and loaded into BOSS, DRMS-BCE will provide the complete review package to DRMS-PH for consideration determination and/or complete other actions to be taken, such as annotation of the contractor's past performance record. Once the assessment has been received and reviewed, DRMS-PH will electronically notify DRMS-BCE of the outcome with a copy to DRMS-DG

C8.5.7.7. Entry into BOSS:

C8.5.7.7.1. An environmental technician in DRMS-BCE will receive the delivery order documentation to include the closure determination from DRMS-PH. The technician will ensure that the known audit trail is entered in BOSS. The final BOSS entry will be a disposal entry (DMF) to identify the last known facility in the audit trail with special handling codes of "XXX" or "XYZ" as identified in C8.5.7.6 above.

C8.5.7.7.2. The specialist maintaining Facility permit documentation in DRMS-BCE will load, or advise the manifest tracker to load the special handling codes in the TSF record of BOSS for the last known facility in the audit trail. Care will be taken to prevent abuse of the special handling codes. The codes will be removed from the TSF record upon completion of the processing above to prevent abuse.

NOTE: All DRMS actions and resolutions related to the non-receipt of disposal information should be well documented and included in the official record. High-risk items should receive the highest visibility of management through use of weekly activity reports, situation reporting, and/or discussion during review and analysis briefings, whichever is most applicable.

C8.6. Oil and Hazardous Material/Hazardous Waste (HM/HW) Spill Prevention and Response.

C8.6.1. General.

C8.6.1.1. The DRMO must comply with the Spill Prevention Control and Countermeasures (SPCC) plan, Spill Contingency Plan (SCP), and applicable RCRA permit/permit applications. The DRMO Chief must be knowledgeable of the SCP requirements and procedures pertaining to the DRMO. The purpose of the SPCC is to protect the environment from releases of oil and hazardous substances. The SPCC plan is required by environmental regulation. The SPCC invokes requirements to minimize or eliminate damage caused by spills of oil, or hazardous substances. Typical preventive measures identified by this plan are spill prevention procedures, installation and use of equipment and other devices or structures.

C8.6.2. Spill Prevention Control and Countermeasures (SPCC) Plan and Spill Contingency Plan (SCP).

C8.6.2.1. The development of the SPCC and SCP is a host responsibility and should provide coverage for all tenant activities. The SCP and SPCC plans must include the DRMO, as a tenant activity under the host Interservice Support Agreement (ISSA).

C8.6.2.1.1. A SCP details response actions for containment and cleanup. The SCP is developed in conjunction with the SPCC plan.

C8.6.2.1.2. DRMOs must assure that the portions of the SPCC plan and the SCP that pertains to the DRMO are on hand. Assure that the following control elements are included as a minimum.

C8.6.2.1.2.1 Pre-emergency planning and coordination.

C8.6.2.1.2.2 Personnel roles and lines of authority.

C8.6.2.1.2.3 Inspection procedures for emergency response equipment kept at the DRMO site.

C8.6.2.1.2.4 Emergency recognition and prevention.

C8.6.2.1.2.5 Site security and control.

C8.6.2.1.2.6 Evacuation routes and procedures.

C8.6.2.1.2.7 Emergency medical treatment and first aid.

C8.6.2.1.2.8 Emergency alerting and response procedures.

C8.6.2.1.2.9 Safe distances and places of refuge.

C8.6.2.1.2.10 Test and/or critique the effectiveness of the DRMO's response to a spill and of the host's spill contingency plan by performing a mock spill including host participation and provide follow-up. The critique as a minimum will evaluate the following:

C8.6.2.1.2.10.1 Ensure all DRMO personnel know who is in charge when a spill occurs.

C8.6.2.1.2.10.2 Ensure all DRMO personnel are aware of the notification procedures; e.g., who and when to notify and what information to provide.

C8.6.2.1.2.10.3 Assure safe proficient procedures are in place to identify the spilled substance.

C8.6.2.1.2.10.4 Knowledge of when and how to use various absorbents.

C8.6.2.1.2.10.5 Use of personal protective equipment as stated in the SPCC plan. (DESI 6055.1 DES Safety & Health Manual).

C8.6.2.1.2.10.6 Evacuation procedures for non-participants in the spill response.

C8.6.2.1.3. DRMO personnel who are members of host spill teams will have additional spill containment training provided by the host IAW 29 CFR 1910.120.

C8.6.3. DRMO Responsibilities:

C8.6.3.1. Maintain current copies of the SPCC plan and SCP.

C8.6.3.2. Post in strategic locations the initial actions to be taken in the event of a spill. Include list of persons and the organizations to be notified. The spill contingency plan will provide the host point of contact and other parties to be notified.

C8.6.3.3. For hazardous property regularly stored by the DRMO, ensure that the host's spill contingency plan applies to the potential hazards of property stored.

C8.6.3.4. DRMOs accepting physical custody of hazardous property will assure they maintain level D personal protective equipment (PPE) listed below. The DRMO must identify the substances that it stores and can be cleaned up using this equipment:

C8.6.3.4.1. Coveralls.

C8.6.3.4.2. Safety boots/shoes.

C8.6.3.4.3. Safety glasses or chemical splash goggles.

C8.6.3.4.4. Hardhat.

C8.6.3.4.5. Gloves.

C8.6.3.4.6. Face shield.

C8.6.3.5. DRMO must furnish the host industrial hygiene or bioenvironmental office with a proposed list of low hazard/level D substances with associated MSDSs or profile sheets and request a professional review and validation of the list. The DES Safety and Health Office (DES-WRH) will assist, when necessary, in defining what property can be handled using level D equipment. The DRMO is authorized to contain or clean up only those low hazard substances that it identifies in writing and lists on the DRMO portion of the SPCC/SPC. DRMO employees must be properly trained to use the PPE to contain or clean up the listed substances in accordance with 29 CFR 1910.120. This requires a minimum of 24 hours of safety training.

C8.6.3.6. Hazardous property not on the DRMOs' Level D list is the responsibility of the host spill team to contain and cleanup. The DRMO will not attempt to contain or clean-up property that is not on the Level D Spill List.

C8.6.3.7. Provide spill response supplies located in an easily accessible place near the stored hazardous property.

C8.6.3.8. Ensure DRMO personnel inspect emergency response equipment kept at the DRMO site in accordance with the inspection schedule.

C8.6.3.9. Ensure DRMO personnel are trained in spill prevention, containment and cleanup, consistent with the host spill contingency plan. Assure employees are provided training to use the personal protective equipment and spill containment equipment provided.

C8.6.3.10. Only DRMO personnel that have been trained by the host as fully qualified host spill team members may participate in spill response actions requiring level C or above PPE.

C8.6.3.11. DRMOs responsibility for containment and clean-up will be accomplished in accordance with the host SCP. In the event a spilled substance cannot be readily identified, DRMO employees must evacuate the area and request assistance from the host.

C8.6.3.12. When a spill occurs or is discovered, DRMO personnel will identify the substance to the supervisor. The supervisor will determine if the substance is on the level D substance list.

C8.6.3.12.1. If the spilled substance is on the level D list, then containment and cleanup is within the capability of the DRMO.

C8.6.3.12.2. If the spilled substance is not on the level D list containment and clean up is not authorized, the DRMO Area Manager or their authorized representative will initiate action consistent with the SCP.

C8.6.4. Reporting a Spill.

NOTE: How To Notify The DRMS Director About Urgent Incidents.

<https://www.dispositionservices.dla.mil/gov/publications/suppdocs/urgentincidents.pdf>

C8.6.4.1. The DRMO will contact the host immediately as required by the host's spill contingency plan. When reporting a spill the following information must be provided:

C8.6.4.1.1. Name, address, and telephone number of DRMO representative.

C8.6.4.1.2. Date, time, and type of incident.

C8.6.4.1.3. Name and quantity of materials spilled.

C8.6.4.1.4. Extent of injury.

C8.6.4.1.5. Assessment of actual or potential hazards to human health or environment.

C8.6.4.1.6. Estimated quantity and disposition of recovered material resulting from the incident.

C8.6.4.2. The DRMO must report all hazardous spills involving reportable quantities, to the Forward Support Team Manager and DRMS-O within 8 hours of occurrence and a DRMS Situation Report (SITREP) is required within 24 hours. If the spill is caused by a DRMS contractor (SV, CV, HW, etc...), the appropriate Contracting Officer will be contacted by the DRMO within 8 hours of occurrence. International DRMOs: If a reportable release occurs at an international DRMO, the DRMO Chief will report the release to the Host Environmental Office, and forward a copy of the report to DRMS-OLF within 8 hours. If the release does not require reporting to the host, forward informal notification by e-mail to DRMS- OLF within 24 hours. The procedures and format for reporting this information is in DRMS-I 3020.1.

NOTE: Instructions for managing OSHA carcinogens requirements spills are outlined at Section 2, Chapter 1, Logistics Program.

C8.6.5. Forward Support Team Manager Responsibilities.

C8.6.5.1. Provide oversight to assure that the DRMO is adequately covered by the host's SPCC plan and the SCP. If required, initiate actions to correct deficiencies in plans.

C8.6.6. International Requirements.

C8.6.6.1. Additional spill prevention and response requirements for international DRMOs are located in the country-specific FGS, Chapter 18 - Spill Prevention and Response Planning, or in its absence, with the requirements specified in the OEBGD.

C8.6.6.2. If a reportable release occurs at an international DRMO, the DRMO Chief will report the release to the Host Environmental Office, and forward a copy of the report to DRMS-OL within eight (8) hours. (Reporting procedures are found in DRMS-I 3020.1) If the release does not require reporting to the host, forward informal notification by e-mail to DRMS-OL within 24 hours.

C8.7. National Environmental Policy Act (NEPA).

C8.7.1. General.

C8.7.1.1. The DLA implementation of NEPA considerations is in DLA One Book Chapters Environmental Considerations in DLA Actions in the United States, and Environmental Considerations in DLA Actions Abroad. These documents outline the environmental procedures DLA activities must follow prior to carrying out an environmental action in CONUS and internationally.

C8.7.1.2. DRMS will assess proposed actions, including retrogrades, for environmental impact before being implemented. This assessment will be done at the earliest practical state in the planning process, and no later than the first significant point of decision. The analysis will ensure compliance with all applicable environmental regulations and standards. Compliance does not require the most environmentally desirable alternative be selected over other acceptable sources of action. DRMS environmental policy is that, within legal and operational limits, cost effectiveness will be considered in the selection of preferred alternatives for disposal of property. Factors such as support to the Military Services, timeliness of disposal, and severity of existing hazards will also be taken into consideration.

C8.7.1.3. For actions proposed by the DRMS Command and for which DRMS has the responsibility to perform, the necessary environmental analysis and documentation will be performed. But, if the authority to direct a project or proposed action lies elsewhere, so does the responsibility to perform the required environmental analysis.

C8.7.2. Reutilization and Transfer.

C8.7.2.1. The reutilization of excess property within DOD and by the U.S. Coast Guard is conducted by DRMS under delegation of authority from the Administrator, GSA. Transfer of excess property to Federal civilian agencies is under the purview of GSA. Environmental analysis and the required documentation for these actions are not the responsibility of DRMS.

C8.7.3. Donation.

C8.7.3.1. GSA conducts the donation program. Therefore, compliance with NEPA requirements in the donation program is not the responsibility of DRMS. The Secretary of a Military Department is authorized to donate certain items to educational activities of special interest, and in these cases, DRMS does not have operational control for the action and is not responsible for performing the environmental analysis.

C8.7.4. Foreign Excess.

C8.7.4.1. DOD is authorized to conduct the Foreign Excess Personal Property Program, including donation. Since DRMS is precluded from donating items dangerous to the public health and safety, little hazardous property, if any, will be donated under the program; however, should such hazardous property be donated DRMS must comply with the requirements of DLA One Book Chapter Environmental Considerations in DLA Actions Abroad.

C8.7.5. Foreign Military Sales.

C8.7.5.1. Executive Order 12114, section 2-5 (IV), exempts FMS actions. DRMS will not perform environmental analysis on FMS due to this exemption and the sovereignty of the involved foreign government in complying with its requirement.

C8.7.6. Sales

C8.7.6.1. DRMS has management authority and operational responsibility for sales actions. The necessary environmental analysis and documentation, including preparation of EAs and/or EISs, when needed, will be done by DRMS. The quantity and relative hazard of the material will be factors in determining what level of environmental analysis is performed. Sales will not generally be assessed for environmental impact if the material being sold is available on the commercial market. If material having a probable environmental impact is to be sold, warnings will be included in the contract solicitation advising bidders of the hazards and appropriate environmental and safety precautions. Sales may require a statement of intent or proper licensing from the purchaser. If the purchaser's intended actions could significantly harm the environment of the U.S. or a foreign nation, the global commons, or provide a product, which is strictly regulated or prohibited, DRMS will perform environmental analysis and documentation prior to the sale.

C8.7.7. Reorganization.

C8.7.7.1. For reorganization of the headquarters of subordinate activities, including establishment or closure actions, or modification in the scope of the DRMS mission, an administrative EA/EIS will be completed and combined with other relevant technical and economic studies to develop a course of action recommended by the DRMS staff. This excludes host base closure actions affecting DRMS activities, where DRMS is not the responsible Federal activity initiating the action. Liaison will be maintained by the affected DRMS activity with the host. Assistance will be provided, as required, for proposals in which DRMS is not the lead activity.

C8.7.8. Construction Projects.

C8.7.8.1. DRMS has responsibility for technical review and required environmental analysis and documentation for construction projects that are funded by DRMS through DLA. This review and environmental assessment will be coordinated with the host installation.

C8.8. **Clean Water Act and Storm Water Pollution Prevention Plans.**

C8.8.1. Introduction.

C8.8.1.1. The Clean Water Act (CWA) requires certain industrial facilities to reduce, minimize, or eliminate the pollution of storm water runoff. To achieve this, the CWA requires that certain designated industrial activities that discharge storm water runoff obtain a storm water National Pollution Discharge Elimination System (NPDES) permit.

C8.8.1.2. Storm water runoff is managed through a permit process, a storm water pollution prevention plan, and the implementation of controls referred to as best management practices.

C8.8.1.2.1. Either state environmental agencies or EPA regions regulate storm water programs. There are two types of permits that storm water runoff can be managed under: a multi-sector general permit, or a site-specific individual permit.

C8.8.1.2.2. A Storm Water Pollution Prevention Plan (SWPPP) is a plan prepared by a permit holder that identifies sources of pollution or contamination affecting storm water runoff. The plan usually includes periodic sampling and is also the document that specifies actions to prevent or control the pollution of storm water runoff.

C8.8.1.2.3. Best Management Practices (BMP) is the term used to refer to measures implemented by the permit holder to reduce the amount of pollution entering surface water, air, land, or ground waters.

C8.8.2. Host Responsibilities.

C8.8.2.1. Military installations with designated industrial activities that discharge storm water run off to a Municipal Separate Storm Sewer System (MS4) or to a U.S. body of water are subject to storm water requirements. Tenant activities on the installation are subject to any storm water requirements associated with their activities.

C8.8.2.2. An installation subject to storm water permitting requirements is also required to develop and implement a SWPPP.

C8.8.2.3. Installations covered by permits are required to monitor storm water runoff for industrial activities at their installation.

C8.8.2.4. Installation activities whose storm water runoff exceeds levels for certain

contaminants require the implementation of best management practices.

C8.8.3. DRMO Responsibilities.

C8.8.3.1. DRMO activities that could be subject to storm water pollution prevention requirements include:

C8.8.3.1.1. HW Storage Facilities (TSDFs).

C8.8.3.1.2. Vehicle Storage Yards.

C8.8.3.1.3. Scrap Yards.

C8.8.3.2. DRMOs should know the regulatory status of their host installation regarding NPDES storm water program requirements. If an installation has a SWPPP, DRMOs should become familiar with those sections of the SWPPP that pertain to DRMO activities.

C8.8.3.3. DRMOs will work within their host installation's SWPPP to reduce storm water contamination from their activities.

C8.8.3.4. If the DRMO is informed that storm water runoff from a DRMO activity exceeds a standard and is requested to implement new or additional BMPs, the DRMO will cooperate with the host's request. DRMOs will work with their Forward Support Team Manager to develop management practices to meet the host installation's request.

C8.8.3.5. If assistance in implementing BMPs is determined necessary, the DRMO/ Forward Support Team Manager should forward a request for assistance to DRMS-O.

C8.8.3.6. DRMOs that are not co-located on a host facility, e.g., a military installation, may be required to obtain their own Storm Water Discharge Permit. DRMOs that fall into this category, should immediately contact DRMS-BCP for guidance.

C8.8.4. DRMS Responsibilities.

C8.8.4.1. Projects requiring funding should be programmed as necessary.

C8.8.4.2. Projects to comply with storm water requirements will be identified to DRMS-BCP so that these projects can be included in various environmental budget, cost, and planning reports.

C8.8.5. International Requirements.

C8.8.5.1. Storm water protective measures must be in accordance with Chapter 4, Wastewater, of the country specific Final Governing Standards, or in the absence of a published FGS, with the OEBGD and any applicable host nation requirements.

C8.8.5.2. DRMOs Receiving FEPP (C1.8.1.3.) must comply with the requirements of the host's wastewater permit, if one exists. DRMOs are responsible for becoming familiar with the permit and understanding which of their activities are covered under the permit. If a DRMO is required to implement new or additional procedures as a result of the host's permit, the DRMO will cooperate with the host's request and will notify DRMS-O of the required changes.

C8.8.5.3. Projects to comply with storm water requirements will be identified to DRMS-OL so that these projects can be included in various environmental budgets, cost and planning reports.

C8.9. Disposal Funding.

C8.9.1. Introduction.

C8.9.1.1. The Military Services are responsible for the disposal costs of all hazardous material and hazardous waste they generate.

C8.9.1.2. DLA activities will be funded to pay for their disposal costs and will follow the MILSBILLS procedures as outlined in paragraph C8.9.2.2.

C8.9.1.3. DLA direct disposal funds will be used for DRMO-generated hazardous property as part of their operations and for special projects as authorized by HQ DRMS. Requests for funding authorization should be directed to DRMS-BA, [DRMS HW Funds](#) prior to input of the receipt to BOSS.

C8.9.2. Responsibilities.

C8.9.2.1. DRMOs will:

C8.9.2.1.1. Provide a Quarterly Disposal Report to the generating activities identifying hazardous property that was successfully RTD or sold. This report is to be created using the generating activity DODAAC and DD Form 1348-1A number from data already in DAISY see Section 4, Supplement 2, Chapter 8, Enclosure 7. This will provide the generating activity a method to track their waste minimization or deobligated funds as required.

NOTE: This requirement is waived if the DRMO provides the generating activity with the written benefits of the quarterly disposal report and the generator replies in writing that they do not require the report. This must be renewed on an annual basis.

C8.9.2.1.2. Provide generating activities with the bid schedule for their disposal contract(s) and instructions on how to assign a Contract Line Item Number (CLIN).

C8.9.2.1.3. Notify the generating activity by telephone, fax or e-mail to request obligation of funds when hazardous material survives RTDS and becomes a hazardous waste.

C8.9.2.2. Generating Activities will:

C8.9.2.2.1. Provide a DD Form 1348-1A turn in document or use electronic/automated format, for turn in of all hazardous material and hazardous waste, as required by DOD 4000.25-1-M. The turn in form also serves as a funding order for hazardous waste.

C8.9.2.2.2. Provide the DD Form 1348-1A or electronic/automated format with the following information:

C8.9.2.2.2.1 HM/HW designation (Block 4). If hazardous waste is designated, a signature authorizing funding is required. For electronic turn ins, the DRMO DAISY login and password is the authorizing signature.

C8.9.2.2.2.2 Valid Signal Code in record position (cc 51).

C8.9.2.2.2.3 Valid MILSBILLS fund code (cc 52-53).

C8.9.2.2.2.4 Valid Bill to DODAAC in Block 27.

C8.9.2.2.2.5 Contract Line Item Number (CLIN) in Block 27.

C8.9.2.2.2.6 Total cost of disposal in Block 27e.

C8.9.3. Turn in Procedures.

Standard requirements for the turn in of hazardous property by the Military Services are in DOD 4160.21-M, Chapter 3 and Chapter 10. See also Section 2, Chapter 2 - Property Accounting, Paragraph C2.5.5.

C8.9.3.1. Funding Turn in of Hazardous Material (HM).

C8.9.3.1.1. Funding data will be required on the DD Form 1348-1A or automated format at the time of turn in. Funding shall be equal to the disposal cost specified in the price schedule of the commercial hazardous waste disposal contract administered by DRMS for the installation or generating activity.

C8.9.3.1.2. The generating activity does not need to obligate funds at the time of turn in if:

C8.9.3.1.2.1 The DRMO can dispose of the hazardous property identified through an existing term sales contract; or.

C8.9.3.1.2.2 The DRMO is confident, based on historical data, that the hazardous property can be RTDS; or

C8.9.3.1.2.3 Funding for the disposal of hazardous material, or any portion thereof, that survives RTDS will be provided by the generating activity within 5 business days of notification from the DRMO. This option is not available for deployed units, who must provide disposal funding for HM at the time of turn in. The unit will be notified of the amount of any unused funds not required as a result of successful R/T/D/S of the HM.

C8.9.3.1.2.4 Generating activity has an automated system capable of receiving the DRMO to Generator file from DAISY.

NOTE: The DRMO may use a Memorandum of Agreement (MOA) as a management tool for hazardous material that is not funded at receipt (see Section 4, Supplement 2, Chapter 8, Enclosure 8).

C8.9.3.2. *Exception.* During the period of 15 September through 30 September of each fiscal year, all hazardous material turn ins will be received without funding at turn in. If the hazardous material survives R/T/D/S and is placed on a disposal contract, the generating activity will provide funding for the disposal on the 1st of October of the new fiscal year.

C8.9.3.3. The DRMO will provide the generating activity a receipt copy of the DD Form 1348-1A for hazardous waste going for disposal. On electronic turn ins, the DRMO to Generator file transfer will become the receipt copy provided by the DRMO to the Generator. For electronic turn ins where the Generator does not receive the DRMO to Generator file transfer, the DRMO may provide and sign the first page of the SHIP Due In report as the receipt copy.

C8.9.3.4. The DRMO will provide the generating activity a copy of the delivery order, DD Form 1155 and any modifications.

C8.9.4. MILSBILLS Fund Code.

C8.9.4.1. Generating activities are required to use a valid two-digit MILSBILLS fund code per DOD 4000.25-1-M (MILSTRIP) and DOD 4000.25-7-M. Generating activities will receive a MILSBILLS interfund bill on a monthly basis. Base Operating Supply System (BOSS) accepts only MILSBILLS fund codes that are under Signal Code B, C or L. The generating activity should be referred to their accounting and finance office to obtain the correct two digit MILSBILLS fund code.

C8.9.4.2. DRMOs are not to use XP as an alternate MILSBILLS fund code. Funding code XP generates manual billings for activities not on the interfund system. Activities authorized to use funding code XP are: Coast Guard, Corp of Engineers-Civil Works, Army and Air Force Exchange Service, Federal Civilian Agencies (FCAs), and other DOD activities without interfund capability. Generating activities using funding code XP will receive an SF 1080 billing quarterly. Federal Civil Agencies (FCAs) will have a signed Memorandum of Agreement (MOA) with DRMS authorizing DRMS to bill them for service contract charges.

C8.9.5. Retrogrades.

C8.9.5.1. Retrograde is a process of transferring DOD owned property from U.S. international facilities to CONUS. This type of disposal action will be pursued when host or third country disposal is not possible, environmentally unsound, or prohibited. In general, retrogrades are only used for returning HM/HW or PCBs and PCB Items to CONUS for ultimate disposal. Retrogrades of HM/HW to CONUS for ultimate disposal must meet the requirements of Chapter 6 of the country-specific FGS or the OEBGD. But, all types of DOD owned property could be considered for retrograde, excluding any foreign-made PCB property. Any property accepted by the DRMO destined for return to CONUS, will be at the generating activities expense.

C8.9.5.2. If property cannot be disposed of or sold locally, inform the generator of what funding is required:

C8.9.5.2.1. Military Interdepartmental Purchase Request (MIPR) for packing, crating, handling and ground transportation (PCH & T) requirements.

C8.9.5.2.2. Transportation Authorization Code (TAC) for ocean transportation.

C8.9.5.2.3. Funding document or DODAAC for disposal.

C8.9.5.2.3.1 The generating activity is responsible for preparing and providing funding documentation for packaging, marking and labeling of property to DRMO for turn in in accordance with DRMO turn in instructions and applicable DOD/host country/international laws and regulations. (Reference: DOD 4160.21-M)

NOTE: If using a DD Form 1348-1A, the generator must have a proper DODAAC and MILSBILLS fund code.

C8.9.5.3. Requirements of 40 CFR 262.60. The DRMS EPA Identification Number (or host DOD port EPA Identification Number) will be used by DRMS to satisfy the requirements of 40 CFR 262.60.

C8.9.5.4. Retrograde operating procedures are published in the Section 2, Chapter 1, Logistics Program.

C8.9.5.5. Special Service Contract Item Numbers (CLINs). See Section 4, Supplement 2, Chapter 8, Enclosure 6.

C8.9.6. Submitting DOD Activity Addressing Code (DODAAC) Additions to BOSS.

New generating activities or activities whose DODAAC changes, must contact DRMS to establish or change their account. The following information must be submitted via e-mail to: DRMS DODAAC@dla.mil.

C8.9.6.1.1. *Generating Activity DODAAC*. This code identifies the generator. It is also known as the Unit Identification Code (UIC). This number is available through the generator's Supply Item Manager.

C8.9.6.1.2. *Paying DODAAC*. This code identifies the paying office or parent activity. This number is available through the generating activities' finance office.

C8.9.7. Points of Contact.

C8.9.7.1. Hazardous contract questions should be directed to DRMS-BCE. For funding questions, e-mail: [DRMS HW Funds](#). For accounting questions regarding DODAAC or Fund Code, contact DRMS-RF or e-mail: DRMS DODAAC@dla.mil.

C8.10. Notification of Suspected Environmental Violations.

NOTE: How To Notify The DRMS Director About Urgent Incidents.

<https://www.dispositionservices.dla.mil/gov/publications/suppdocs/urgentincidents.pdf>

C8.10.1. General.

C8.10.1.1. DRMS employees are subject to the environmental laws of the United States. Those laws and employee responsibilities are described in DLA One Book Chapter Environmental Compliance. Suspected violations of these laws require reports to regulatory agencies, for example, U.S. EPA, state regulatory officials, local officials, or DRMS legal counsel. See DRMS-D 5500.10, Combating Fraud in DRMS Operations. International employees should contact DRMS legal counsel for information on their rights and responsibilities under host nation law and the applicable Status of Forces Agreements (SOFA).

C8.10.2. Procedures.

C8.10.2.1. Suspected violations MUST be reported within 24 hours. Suspected violations will usually arise from one of four sources: tracking of invoices, sale contractor surveillance visits, DRMO self-inspections, and other sources. Reportable violations that may result in significant or widespread harm to the environment, represent a trend or systematic problem within DRMS, or may be politically highly visible will be reported via e-mail to the DSD Env. Supervisor, the DRMS-BC Division Supervisor, and via SITREP.

C8.10.2.2. Tracking of Invoices and Sales Contractor Surveillance Visits violations must be reported as outlined in the Operating Instruction at Section 4, Supplement 2, Chapter 8, Enclosure 9.

C8.10.2.2.1. DRMO Self-Inspections:

C8.10.2.3. Suspected noncompliance matters in a DRMO facility will be reported by the DRMO Chief to the host installation environmental office with an e-mail copy sent to the DSD Env. Supervisor, the DRMS-BC Division Supervisor, and noted in a SITREP. For example,

spills or temporary warehousing of hazardous property while a waste storage facility is repaired.

C8.10.2.4. The DRMO Chief will ensure notification procedures follow the host spill plan and the host hazardous waste permit. These notifications will be documented and coordinated with the host. A follow up in writing will be provided to the DSD Env. Supervisor, the DRMS-BC Division Supervisor, and via SITREP. Additional information on host notification see paragraph C8.2.4.4. of this chapter.

C8.10.2.5. Other Sources:

C8.10.2.5.1. DRMS employees with information concerning a possible violation of environmental laws should report them to their supervisor. Employees will not be penalized for “good faith” reporting of suspected environmental violations.

C8.10.2.5.2. If it is not possible to discuss the suspected environmental violation with a supervisor, the employee may provide a report in writing to the the DSD Env. Supervisor or the DRMS-BC Division Supervisor.

C8.10.2.5.3. The DSD Env. Supervisor and/or the DRMS-BC Division Supervisor will determine if the violation needs to be reported to a regulatory agency. The issue will be coordinated with legal counsel and appropriate program offices.

C8.10.3. Administration Notification Actions:

C8.10.3.1. Administrative notification actions are including but not limited to notices of violation (NOV), warning letters, notices of noncompliance (NON), administrative complaints, requests for hearings, or other matters regarding suspected or apparent violations of environmental laws or regulations. A SITREP must be completed and all notifications must be transmitted within 24 hours of receipt to the DSD Env. Supervisor and the DRMS-BC Env. Division Supervisor. The DRMS-BC Division Supervisor will immediately provide copies to legal counsel. Normally, facsimile or e-mail transmissions followed by routine postal procedures should be used. Additionally, violations regarding DRMS HW Contractor actions must be provided to the Contracting Officer.

C8.10.3.2. The DSD Environmental Supervisor, DRMS-BC Environmental Division Supervisor and legal counsel (and Contracting Officer for DRMS HW contractor violations) will review and determine the action office responsible for responding to the notice. No action or response (written or oral) is to be taken in response to an administrative notification action until advice has been received from the DSD Env. Supervisor, DRMS-BC, the Contracting Officer (if applicable) and coordination with legal counsel, unless immediate action is required to prevent significant or widespread harm to the environment. An update to the initial SITREP is required when the response is submitted. Where immediate action is required to prevent significant or widespread harm to the environment, an after-action report will be immediately transmitted to the DRMS Environmental Division Supervisor and legal counsel.

C8.10.3.3. Federal, state or local authorities that request advice regarding where an

administrative notification action should be served will be directed to legal counsel.

C8.10.3.4. Administrative notification actions associated with DRMO activities that are issued to the host installation should follow the procedures provided in paragraph C8.10.2.1.1.

C8.10.4. International Requirements:

C8.10.4.1. OCONUS employees should contact the DRMS-DG legal office for information on their rights and responsibilities under host nation law and the applicable Status of Forces Agreements (SOFA).

C8.10.4.2. OCONUS employees should also contact the DRMS legal office any time the employee is requested to provide information on environmental policies or procedures to regulatory authorities. Contact should be made prior to the release of information whenever possible. If the DRMS legal office is unavailable, the employee should contact their host installation legal office for advice and assistance. A memorandum for record of any regulatory contacts, including questions, inspections, or informal visits should be prepared and forwarded to DRMS-OLF and the DRMS legal office no later than the day following the contact.

C8.11. Environmental Certification.

C8.11.1. General.

C8.11.1.1. Environmental Technicians (manifest trackers) in Hazardous Waste Disposal Processing Branch (DRMS-BCE) and in Forward Support Team - Operations Asia/Pacific (DRMS-OA) and Forward Support Team - Operations Europe/Southwest Asia (DRMS-OS) will analyze the audit trail submitted by the contractor to verify selected data as evidence of services performed preparatory to authorization for payment (Phase I as defined below - See C8.11.2.1.1.). Trackers also review completion of the audit trail as required by the DOD "cradle to grave" policy (Phase II as defined below - see C8.11.2.1.2.) to determine compliance with environmental requirements and with related terms and conditions of the contract. See Section 4, Supplement 2, Chapter 8, Enclosure 10.

C8.11.1.2. Hazardous disposal contractors with BOSS access: Refer to Instructions for Contractor BOSS Entry (see Section 4, Supplement 2, Chapter 8, Enclosure 11).

C8.11.2. Procedures.

C8.11.2.1. Audit trail information above is identified as Phase I or Phase II. Those phases are defined below:

C8.11.2.1.1. Phase I refers to that portion of the disposal audit trail for each waste stream up to and including receipt at the first Treatment, Storage and Disposal Facility (TSDF). On some contracts, documentation of this information suffices for payment to the contractor.

C8.11.2.1.2. Phase II refers to that portion of the disposal audit trail from receipt at the first TSDF to final disposal (the “grave.”)

C8.11.2.2. The disposal contractor will submit audit trail information (“tracking”) to DRMS as instructed by the respective Contracting Officer in each disposal contract. This information could be submitted electronically or by paper copy as instructed and with specific data as instructed.

C8.11.2.3. Log paper audit trail submissions by hazardous disposal contractors in the tracking area. All paper submissions will be logged in and out and accounted for at all time. Maintain a similar log for electronic submissions from contractors for the notification of completed entry only.

C8.11.2.4. Use DRMS Form 1878, Certification of Services/Manifest Tracking, to record all actions regarding paper submissions from log in to submission to the Contracting Officer.

C8.11.2.5. Trackers will perform analysis of each submission as provided in the respective enclosure.

C8.11.2.6. Upon completion of the analysis, forward the submission with written results to the respective Contracting Officer.

C8.12. Off-Installation Hazardous Clean-up (Third Party).

C8.12.1. Introduction.

C8.12.1.1. The following policies, procedures and responsibilities apply to all situations arising in the U.S. and its possessions where a DRMS generated hazardous substance is found outside of a military installation and off-installation cleanup or payment for cleanup is requested of DRMS by Federal, state, local environmental authorities, or by third parties.

C8.12.2. Policy.

C8.12.2.1. *Immediate Reply.* DRMS will immediately reply to any request for military agency response to discovery of military related hazardous material or waste located in a civilian (public or private) environment. The response will neither automatically assume liability for cost or cleanup of the hazard nor stand in the way of legal or criminal remedies by those responsible.

C8.12.2.2. *Potential Cleanup:*

C8.12.2.2.1. Off-installation hazardous cleanup may be undertaken to mitigate actual or potential DRMS liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by Superfund Amendments and Reauthorization Act (SARA) of 1986. Cleanup would demonstrate DRMS responsibility for protection of the environment and concern for public welfare.

C8.12.2.2.2. As stated in the DOD 4160.21-M, Chapter 10, DLA/DRMS will assume responsibility for the original DOD generating activity, whenever hazardous substances are found or have caused contamination at a Third Party site, if the hazardous substances were correctly identified by the generating activity and turn in documentation establishes that the HP was processed through DRMS. Third Party sites will be managed in accordance with DLA's Defense Environmental Restoration Program guidance. DRMS will not assume all CERCLA liability for non-DOD generating activities.

C8.12.3. Procedures:

C8.12.3.1. Environmental Response Actions:

C8.12.3.1.1. Immediately forward requests for off-installation cleanup to: Installation Management, DES-WRI, at (DSN) 661-5898 or Third Party Site Program Manager at (DSN) 661-7412 or (269) 961-7412 or e-mail [DRMS Third Party Site Notification](#) Telephone reports will be followed up in writing detailing pertinent data. DES-WRI will maintain a record of all off-installation response requests and provide direction to the reporting office within 2 hours of receiving the report.

C8.12.3.1.2. DES-WRI will promptly refer the request to DRMS-DG for legal guidance on how to proceed. DLA-DES-E and DLA Office of Counsel will be consulted as necessary.

C8.12.3.1.3. Each request for assistance will be based on the fiscal and legal constraints that govern DRMS actions. The DRMS Director will make the decision to retrieve, cleanup, or dispose of this property. Coordination will be processed through the Office of Counsel and others involved. Among the factors that will be evaluated are:

C8.12.3.1.3.1 If the items were offered as usable for their originally intended purpose.

C8.12.3.1.3.2 Type of packaging, item descriptions and contracts.

C8.12.3.1.3.3 Danger to public health and safety.

C8.12.3.1.4. DRMS-BCP and DES Safety Office (DES-WRH) will authorize site visits by DRMS employees or agents. The following factors will be considered:

C8.12.3.1.4.1 The value of the information that can be gathered or preserved.

C8.12.3.1.4.2 Access to the property.

C8.12.3.1.4.3 Ability of DRMS personnel to render competent judgment.

C8.12.3.1.4.4 Safety danger to the site visitor.

C8.12.3.1.4.5 The extent of DRMS involvement.

C8.12.3.1.4.6 Third party site safety plan.

C8.12.3.1.5. All oral or written replies to the public or media concerning the DRMS response to off-installation response requests will originate from the DRMS Office of Public Affairs.

C8.12.3.1.6. DRMS-BCP will keep DRMS-O and DRMOs apprised of events as they develop.

C8.12.3.2. Environmental Compensation Actions.

C8.12.3.2.1. All claims by Federal, state, local environmental authorities and third parties for reimbursement or contribution for environmental response actions, involving DRMS generated hazardous substances will be sent to the Environmental Office, DRMS-BCP. DRMS-BCP will refer all claims to DRMS-DG for evaluation under applicable statute and case law.

C8.12.3.2.2. Settlements at third party sites involving the use of Defense Environmental Restoration Account (DERA) funds must be coordinated with DLA-DES-E. No agreement involving DERA funds should be entered into unless the funds have been previously approved by DLA-DES-E. DERA can be used to pay for EPA's future work. Reimbursement for EPA's past costs will come from a Special Appropriation from the U.S. Congress. In all cases use of Judgment Fund will be used where applicable for Third Party Sites. See Management Guidance for the Defense Environmental Restoration Program (DERP) September 28, 2001 <http://www.dtic.mil/enviroDOD>. Select „Policies and Documents,” then *DERP Management Guidance*, then select „link.”

C8.12.3.2.3. If required, a claims investigating officer may be appointed to investigate and prepare a report of investigation on the underlying facts. DRMS-DG will determine the extent to which the request for compensation will be granted.

C8.12.3.3. Operating Procedure:

C8.12.3.3.1. DRMS responsibilities for off-installation third party sites are at See Section 4, Supplement 2, Chapter 8, Enclosure 12.

C8.12.3.4. CERCLA Section 104(e) Notices:

C8.12.3.4.1. Procedures for DRMS responsibility for handling CERCLA section 104(e) notices are at Section 4, Supplement 2, Enclosure 13. These procedures will be used unless otherwise indicated by DRMS.

C8.12.3.5. Responsibilities.

C8.12.3.5.1. *The Program Manager (DRMS-BCP) will:*

C8.12.3.5.2. Assure coordination of environmental response actions within, HQ DRMS, DRMS-O and DRMOs. This will include requests and budgeting for Defense Environmental Restoration Account Funds and Special Appropriates from U.S. Congress for third party sites.

C8.12.3.5.3. Provide technical advice and assistance to requesting DOD agencies and other involved third parties.

C8.12.3.6. Collect and distribute data about the off-installation site.

C8.12.3.7. Identify cost recovery actions from sales or disposal contractors who created third party sites and forward this information to DRMS-DG, and other offices involved.

C8.12.3.8. Will load into the Third Party Site Tracking Database the initial information to include; site name and number; location; Current status (open for new sites); active status; points of contact including DRMS-BCP and DRMS-DG.

C8.12.3.9. Ensure that in all Third Party site files are retained for period of 50 years, as required in DLA One Book Chapter Records Management

C8.12.3.10. Initiate follow up actions to identify deficiencies (if any) in the DRMS Sales System that resulted in new Third Party Sites created after enacting our new sales procedures in March 1990 and recommendations on how to prevent similar sites from occurring.

C8.12.3.10.1. DRMS Operations (DRMS-O) will:

C8.12.3.10.1.1 Provide DRMS sales history of the hazardous substances and/or retrieve sales contracts.

C8.12.3.10.1.1.1 Take appropriate cost recovery actions from sales contractors who created Third Party sites.

C8.12.3.10.2. The Chief of Hazardous Contracting (DRMS-PH) will:

C8.12.3.10.2.1 Provide hazardous disposal contract information.

C8.12.3.10.2.2 Provide emergency contract support for environmental response actions.

C8.12.3.10.2.3 Take appropriate cost recovery actions from disposal contractors who created Third Party sites.

C8.12.3.10.3. The Office of Counsel (DRMS-DG) will:

C8.12.3.10.3.1 Provide legal advice and assistance in environmental response actions.

C8.12.3.10.3.2 Represent DRMS with environmental authorities and third parties.

C8.12.3.10.3.3 Provide legal opinions on environmental compensation and liability issues.

C8.12.3.10.3.4 Initiate appropriate steps to ensure actions against other responsible parties are pursued.

C8.12.3.10.3.5 Provide legal support to DRMS-O, DRMS-PH and DRMS-BCP on cost recovery actions from sales and disposal contractors who created Third Party Sites.

C8.12.3.10.3.6 Coordinate actions with the United States, Department of Justice when applicable or settlements agreements with private parties and using the Judgment Fund.

C8.12.3.10.3.7 Coordinate and seek DRMS-BCP approval through a formal a Memorandum for Record or other internal document on all settlement agreements.

C8.12.3.10.4. *The Office of DRMS Public Affairs will:*

C8.12.3.10.4.1 Provide public affairs and community relations" support for Third Party sites.

C8.12.3.10.5. *The Chiefs at Defense Reutilization and Marketing Offices will:*

C8.12.3.10.5.1 Immediately report all information regarding off-installation military related hazardous waste or hazardous material accumulation problems to DRMS-O and to DRMS-BCP.

C8.12.3.10.5.2 Act on instructions received from DRMS regarding emergency response actions.

C8.12.3.10.5.3 Forward information that may be needed to maintain a factual public information response.

C8.12.3.10.5.4 Upon request, assign an on-scene representative to take charge of DRMS interests at a designated site, including acting as the Contracting Officer Representative at removal actions (after approval from the DES Safety Office - DES-WRH).

C8.13. Emergency Planning and Community Right-To-Know (EPCRA). TITLE III, Superfund Amendment and Reauthorization Act.

C8.13.1. References:

C8.13.1.1. Executive Order #12856, August 3, 1993, Subject: Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements.

C8.13.1.2. 40 CFR 355, Appendices A and B, *The List of Extremely Hazardous Substances, and Their Threshold Planning Quantities*.

C8.13.1.3. 40 CFR 370, Hazardous Chemical Reporting.

C8.13.2. General:

C8.13.2.1. Reference C8.13.1.1. requires Federal facilities to comply with the planning and reporting provisions of EPCRA. The DOD installation has the responsibility of implementing the EPCRA program for the host installation where a DRMO is located.

C8.13.2.2. Regulatory requirements, which may impact DRMO operations, are at 40 CFR 370.20 - 28. DRMOs should be familiar with these requirements if storing certain quantities of hazardous materials that require a Material Safety Data Sheet (MSDS) and/or certain quantities of extremely hazardous substances. In order for the host to be able to comply with EPCRA chemical quantities reporting requirements, installations affected by the regulation may require the DRMO to report the types and quantity of chemicals and extremely hazardous substances stored at the DRMO.

C8.13.2.3. DRMOs, which are tenants on DOD property, are directed to cooperate with the EPCRA programs established by their host installation. In the event of a catastrophic release of hazardous substances, the DRMO will immediately notify the host installation. The host installation, under the EPCRA program, will notify the local emergency planning committee and state emergency response commission.

C8.13.3. Procedure:

C8.13.3.1. The DRMO will follow the spill reporting procedures, as provided in C8.6., this instruction, when reporting a catastrophic release. The DRMO will complete a Situation Report and notify the appropriate DRMS Contracting officer for any contractor caused spill.

C8.13.4. International Requirements:

C8.13.4.1. If a reportable release (as defined by OEBGD, FGS, host installation or host nation law) occurs at an international DRMO, the DRMO Chief will report the release to the Host Environmental Office, and forward a copy of the report to DRMS-OL within 8 hours (Reporting procedures are found in DRMS-I 3020.1). If the release does not require reporting to the host, forward informal notification by e-mail to DRMS-OL within 24 hours.

C8.14. Defense Environmental Restoration Program (DERP).

C8.14.1. Management Guidance.

C8.14.1.1. The DERP provides centralized program management for the cleanup of DOD hazardous waste sites consistent with the provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Superfund Amendments and Reauthorization Act of 1986 (SARA) and the National Contingency Plan (NCP). The goals of the DERP are stated in 10 USC 2701 and consist of the following:

C8.14.1.1.1. The identification, investigation, research and development and cleanup of contamination from hazardous substances, pollutants and contaminants.

C8.14.1.1.2. Correction of other environmental damage (such as detection or disposal of unexploded ordnance), which creates an imminent and substantial endangerment to the public health, welfare, or to the environment.

C8.14.1.1.3. Demolition and removal of unsafe buildings and structures, including buildings and structures of the DOD at sites formerly used by or under the jurisdiction of the Secretary of Defense.

C8.14.1.2. The Staff Director, Environmental and Safety, DLA-DES-E, has been designated as the Executive Program Manager of the DERP. DRMOs with DERP projects shall be coordinated through DRMS-BCP, prior to submitting an unfunded requirement to the Office of Comptroller (DRMS-RF). Sufficient narrative and cost estimates must be provided to describe the proposed project.

C8.14.2. Activities Eligible for DERP:

C8.14.2.1. *Installation Restoration Program.*

C8.14.2.1.1. For activities eligible for DERP see <http://www.dtic.mil/enviroDOD> Select "Policies and Documents," then „DERP Management Guidance", then „link."

C8.14.2.2. *Environmental Cleanup at the DRMO.*

C8.14.2.2.1. Current DOD management guidelines for the Defense Environmental Restoration Program (DERP) specify that "*In general, the installation is responsible for all tenant environmental restoration requirements that are eligible for environmental restoration funding through the Component Environmental Restoration (ER) or BRAC accounts.*" This statement is entirely consistent with the approach that DLA has been taking for many years in dealing with such situations, that is, the host is responsible for all environmental restoration except that caused by current spills (releases occurring after October 17, 1986).

C8.14.2.2.2. Requests from host installations concerning cleanup at DRMOs should be forwarded to DRMS-BCP for coordination and action.

C8.14.2.2.3. In some cases where contamination can be traced to a recent spill or releases occurring after October 17, 1986, DRMS may request and budget working capital funds to perform a cleanup.

C8.15. Environmental Responsibility **Determinations (ERD) Recommendation for Hazardous Property Sales and Assessment of Environmental Liability Risks (Edited Oct 2012)**

C8.15.1. Introduction.

C8.15.1.1. For CONUS, the Superfund Equity Recycling Act (SERA) of 1999 amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to provide certain liability exemptions for recycling transactions where reasonable care has been applied. For OCONUS, there are Host Nation requirements which require agents handling potentially hazardous substances to ensure that contaminants are not released to the environment. For both CONUS and OCONUS, this is accomplished through a due diligence process whereby purchasers of hazardous materials (HM) property and range residue scrap, and also the destination facility where such materials are received after purchase, are evaluated for their level of environmental responsibility. The purpose of the ERD ~~environmental assessment of potential purchasers of hazardous property is necessary in order to ensure that purchasers manage hazardous property in an environmentally responsible manner. This is accomplished through the process of hazardous property environmental responsibility recommendations (ERR) which purpose is to~~ **establish a record of reasonable care as defined under SERA and determine if buyers of** ~~maximize the sale of hazardous property or range residue to buyers who demonstrate their ability to handle and manage hazardous~~ **such** property in a **regulatory-compliant and environmentally-responsible** manner, thereby minimizing government liability and precluding ultimate disposal. **The ERD process shall be applied to all successful high bidders and is required for term and one time sales.** ~~an environmental responsibility recommendation of all high bidders is required (including term and negotiated sales).~~ Award of property by the Sales Contracting Officer (SCO) takes place once the ERD of high bidder/purchaser/destination facility has been **completed with favorable results** ~~determined~~. The HM SCO is the sole Government representative who has the authority by law to enter into a HM sales contract on behalf of the US Government.

C8.15.2. Environmental Controls.

C8.15.2.1. To ensure **Environmental Responsibility Determinations (ERD)** ~~recommendations~~ are performed in an **efficient effective manner and demonstrate reasonable care by the US Government**, and ~~environmentally responsible manner~~, the following environmental controls are instituted **as applicable**:

C8.15.2.1.1. Pre-award survey by **DLA Disposition Services Environmental Branch, J-33.**

C8.15.2.1.2. Pre-award on-site inspection.

C8.15.2.1.3. Post-award on-site inspection.

C8.15.2.1.4. High bidder non-responsibility review by **DLA Disposition Services**-DG legal staff.

C8.15.2.1.5. Statement of Intent.

C8.15.2.1.6. Centralized Program Management.

C8.15.2.1.7. "Red-list" referral items review by **DLA Disposition Services J-33 or applicable DSD Environmental Branch, OCONUS.**

C8.15.2.1.8. ERD technical reviews by DLA Disposition Services Environmental Branch, J-33.

C8.15.3. Environmental Responsibility Determination Requirement (ERD) Requests.

C8.15.3.1. Sales Contracting Officers will forward all requests for ERDs environmental responsibility recommendations of high bidders to DLA Disposition Services Environmental Branch in CONUS, or to the applicable DSD Environmental Branch, OCONUS. DRMS-BCE/FST-E/FST-P/Zone. The requests will include (1) a DLA-Two-Way Memorandum (official request form), (2) a completed Statement of Intent (DRMS Form 1645) or End-Use Certificate, (3) a completed SAP-CRM Account Management Facilities DNSP Facility Maintenance Screen of high bidder, (4) catalog item description, and, (5) other available documents as required by to assist in the ERD process. i.e., permits, regulatory contacts/phone numbers, previous inspection reports, material safety data sheets/serial numbers (MSDS), etc. The above documentation These documents will be used in determining potential purchaser's level of environmental management competence. responsibility/non-responsibility environmental assessments. For CONUS requests, the ERD requests will be, CONUS ONLY, logged into the DRMS-BCE DLA Disposition Services Environmental Branch (LHO Technical) database prior to an ERD and provided to the responsible environmentalist staff performing the review assessment. ERDs will be accomplished by performing pre-award telephone surveys, pre-award on-site surveys, post-award on-site surveys, and, for term sales purchasers, annual compliance assessments.

C8.15.4. Pre-Award Telephone Survey (CONUS)

C8.15.4.1. Pre-award telephone surveys will be conducted within CONUS to assess the Destination facilities operation including but not limited to the handling, storing, and disposing of hazardous materials and range residue scrap. Further, the pre-award telephone survey is conducted to confirm whether if the operation is consistent with information provided in the Statement of Intent (SOI) or End Use Certificate, housekeeping practices, pre-existing site conditions, and regulatory compliance information. and determine the need for an If on-site inspection has not been done at a location before, then it is mandatory and always warranted. To determine the level of environmental responsibility (of the purchaser and/or receiving facility destination location), DRMS-BCE/FST-E/FST-P/Zone environmentalist personnel performing the ERD within the DLA Disposition Services Environmental Branch will contact the appropriate Federal, state, or local regulatory agency, and, when appropriate, the destination location(s) to determine compliance and gather other objective evidence to identify any high risk conditions as required by ERD protocol. DLA Disposition Services Environmental Branch personnel validate evidence of a working relationship. DRMS-BCE will document the results of the telephone survey as a conversation record. If determined responsible, DLA Disposition Services Environmental Branch staff DRMS-BCE/FST-E/FST-P/Zone will update the DNSP Facility Maintenance Screen with date inspection completed, date inspection results received, inspection expiration date, facility inspector name, inspection remarks and facility determination (High or Low Risk). indicator (responsible/non-responsible). The DLA Disposition Services Environmental Branch DRMS-BCE internal database shall be updated accordingly (CONUS ONLY). For OCONUS, any language limitations will preclude Pre-Award telephone surveys, and therefore will require Pre-Award On-

Site Surveys. If an on-site inspection is not needed/required, DRMS-BCE/FST-E/FST-P/Zone-environmentalist will then forward results of the telephonic ERR assessment to appropriate SCO.

C8.15.5. Pre-Award On-Site Surveys (CONUS and OCONUS).

C8.15.5.1. **DLA Disposition Services field activity** DRMO personnel will normally complete pre-award on-site surveys as requested by the **DLA Disposition Services Environmental Branch staff, CONUS, or DSD Environmental Branch, OCONUS staff** DRMS-BCE environmentalist. Pre-award on-site surveys will be performed with the purpose of physically assessing the purchaser's and/or destination facilities and the entire operation thereof, including competency their capability and knowledge regarding the management of hazardous property, capacity, storage, processing/use and transportation. Volume and toxicity of property, and previous DLA inspection findings, as well as other factors, shall be considered when determining if an on-site survey is required. When an on-site survey is required, **DLA Disposition Services Environmental Branch, CONUS or DSD Environmental Branch, OCONUS staff** DRMS-BCE will notify the appropriate **DLA Disposition Services field site** DRMO to request an on-site survey be completed on a perspective purchaser or destination location. A courtesy copy notification will be e-mailed to the appropriate Forward Support Team Manager informing him/her of the pre-award request. **DLA Disposition Services Environmental Branch, CONUS or DSD Environmental Branch, OCONUS staff** DRMS-BCE environmentalist will indicate which pre-award on-site survey checklist to use (i.e., **DLA Forms 2006 or 2007 version**) through 2010. These forms are located in Adobe. These forms and are to be distributed to the Regional Environmental Program Manager and are to be used by the **DLA Disposition Services field site** DRMO to complete the survey along with the provided Statement of Intent (SOI) as applicable, item description, and any other pertinent documents to aid in the on-site survey assessment. The **DLA Disposition Services field site** DRMO will contact the **DLA Disposition Services Environmental Branch, CONUS or DSD Environmental Branch, OCONUS** DRMS-BCE environmentalist point of contact identified in the DRMO request if there are any questions concerning the on-site survey or to request an extension to the suspense date.

C8.15.6. Post-Award On-Site Survey.

C8.15.6.1. Primarily, government audit contractors will accomplish post-award on-site inspections for **DLA Disposition Services field sites. CONUS** DRMOs. Only occasionally will CONUS **DLA Disposition Services field site** DRMO personnel perform on-site post-awards. For **OCONUS-FST-E/FST-P/Zone**, **DLA Disposition Services field site** DRMO personnel will perform on-site post awards. Whether a contractor or other personnel perform an on-site post award will be determined on a case-by-case basis and the immediate requirement. Contractor post-award on-site inspections will be determined on the following basis: (1) volume of material purchased, (2) type, (3) toxicity, (4) hazard, (5) size, type or scope of facility operation, (6) history of compliance problems (known or suspected), (7) on hand facility information a lack of not having any information of facility on hand, and (8) inspection results of previous 12 months (or 18 months for range residue), and (9) previous history of purchasing hazardous property or range residue. facility has not been inspected within the last twelve (12)-months. Once the facilities for inspection are identified, the request will be forwarded to **DLA Disposition Services J72** DRMS-POB, Operational Contracting Division, where the post-award on-site facilities will be contracted for the inspections. Once the contractor completes an inspections, the reports will be forwarded to **DLA Disposition Services Environmental**

~~Branch/COR DRMS-BCE environmentalist/COR~~ and results recorded in the ~~SAP-CRM Account Management DNSP Facilities Maintenance Screen~~ will be updated, to include any discrepancies, for SCO/~~Disposition Services Environmental Branch review DRMS perusal~~. The report provided OCONUS, whether performed by contractor or DLA Disposition Services field personnel will be sent to the appropriate DSD Environmental staff for inclusion in SAP-CRM.

C8.15.7. Annual Hazardous Property Term Sales ERD Assessments.

C8.15.7.1. ~~A Annual hazardous property responsibility recommendation assessment ERD will be conducted by DLA Disposition Services staff on all term sales.~~ of all term sale-purchasers will be performed by ~~DRMS-BCE/FST-E/FST-P/DRMO~~. For CONUS ONLY, the ~~DLA Disposition Services DRMS-Sales Office~~ will post term sale purchasers on the ~~DLA Disposition Services DRMS internal "J" drive~~ whereby ~~DLA Disposition Services staff DRMS-BCE environmentalist~~ may then access and select term sale purchasers for the ERD from the "J" drive. The ERD process and responsibility determinations recommendation(s) will be consistent in-line with what has been previously discussed in paragraphs (list) above. The appropriate ~~DLA Disposition Services Environmental staff DRMS-BCE environmentalist~~ will update the internal ~~DLA Disposition Services DRMS database~~, CONUS ONLY, and ~~SAP-CRM Account Management DNSP-Facility Maintenance Screen~~ accordingly. OCONUS, DLA Disposition Service personnel will be informed by the DSD Environmental staff as to the ERD to be performed on hazardous property term sales. The ERD will be provided back to the DSD Environmental Branch for inclusion in SAP-CRM.

C8.15.8. Disapproval/High Risk Determinations Non-Responsibility Recommendations.

C8.15.8.1. Any high risk environmental responsibility determinations non-responsibility recommendations will be forwarded to ~~DLA Disposition Services DRMS-DG~~ (legal staff) for concurrence/non-concurrence. ~~DLA Disposition Services DRMS-DG~~ will provide its concurrence/non-concurrence to ~~DLA Disposition Services Environmental Branch, CONUS or DSD Environmental Branch, OCONUS DRMS-BCE/FST-E/FST-P~~ where the ~~DLA Disposition Services DRMS internal database and SAP-CRM Account Management Facilities DNSP-Facility Maintenance Screen~~ are updated and results forwarded on to ~~DLA Disposition Services Sales Branch DRMS-BBS~~.

C8.15.9. Additional Commodities.

C8.15.9.1. Whenever possible, inspections should include and determine what additional types of hazardous property, such as range residue, the purchaser and/or destination location is capable of storing/processing/managing other than the items in which it is potentially eligible for award. THIS ACTION WILL PREVENT A REPETITIVE INSPECTION SHOULD THE BIDDER BID ON DIFFERENT COMMODITIES IN THE FUTURE.

C8.16. Polychlorinated Biphenyls (PCBs).

C8.16.1. General.

C8.16.1.1. Summary. Understanding the complex Federal PCB Regulations is the first step toward compliance. This chapter provides a background summary of which US laws and regulations control the use, manufacture, distribution, and disposal of PCBs and PCB Items and PCB waste. Also addressed are other Federal statutes, state regulations; and for international requirements, DOD retrogrades of PCBs and PCB items from international DRMOs. The USEPA PCB web site is found at <http://www.epa.gov/pcb/>.

C8.16.1.2. Instructions for Turn in. In Section 3 of this manual the detailed instructions are found for the DOD policy and Federal regulations regarding receipt, handling and storage, marking, manifesting, transporting, record-keeping, and waste disposal instructions for Polychlorinated Biphenyls (PCBs). Regulations and instruction regarding the management of PCBs, PCB Items and PCB waste is also found at Section 3.

C8.16.2. References.

C8.16.2.1. Toxic Substances Control Act (TSCA). PCBs are regulated under the Toxic Substances Control Act (TSCA) 15 U.S.C. 2601 et seq.

C8.16.2.2. USEPA PCB regulations are at 40 CFR 761. Procedures in this chapter and in Section 3 of this manual are designed to be in compliance with the TSCA and with the U.S. Code of Federal Regulations 40 CFR Part 761, PCBs Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions. Procedures are also in compliance with 49 CFR Part 172, Hazardous Materials Tables, and Hazardous Materials Communications Regulations.

C8.16.2.3. State Regulations. Many states have additional PCB regulations. Some state RCRA regulations may include PCB wastes. Check for the specific location. Some state regulations may be more stringent and regulate PCB wastes at a lower regulatory cut-off level of PCB concentration than the Federal regulations; some states regulate PCB waste as a hazardous waste for disposal purposes.

C8.16.2.4. Other Federal Statutes Related to PCBs.

C8.16.2.4.1. Department of Transportation (DOT) Regulations. PCBs are a hazardous substance for transportation purposes if there are at least 20 ppm PCB and a reportable quantity (1 lb. Total PCBs by weight) in any one container. Training is required for drivers, packagers, and shippers. Although most states have adopted the Federal DOT regulations regarding PCBs, contact the state DOT representative for additional information on state-specific regulations.

NOTE: For International. Transportation of PCBs and PCB Items on public roads shall comply with the applicable transportation laws and regulations of the respective host nation.

Transportation of international shipments by water or air, such as retrograde shipments, shall comply with the appropriate international sea or air transportation regulations.

C8.16.2.4.2. *Occupational Safety and Health Act (OSHA)*. Lists PCBs (chlorodiphenyls) in the exposure limit regulations (29 CFR 1910.1000. OSHA requires training for emergency response personnel (29 CFR 1910.120(e)).

C8.16.2.4.3. *Comprehensive Environmental Response, Compensation and Liability Act. (CERCLA -Superfund)*. Establishes a reportable quantity of 1 lb. for spills (1 lb. Total PCBs by weight). Authorizes PCB spill cleanup activities for any level deemed to create an imminent and substantial danger.

C8.16.2.4.4. *Clean Water Act (CWA)*. Spills of 1lb or more (1 lb or more of total PCBs by weight) of PCBs must be reported. Spill Prevention, Control, and Countermeasures (SPCC) plans are required for certain storage facilities (40 CFR 112). Spills of oil must be reported if they produce a sheen on the surface of any water (puddle, ditch, creek, river, etc.). See Section 4, Supplement 2, Chapter 8, Enclosure 2, for additional guidance in the event of a spill.

C8.16.2.4.5. *Resource Conservation and Recovery Act (RCRA)*. The provisions of the Resource Conservation and Recovery Act (RCRA) do not apply to PCBs and PCB Items fully regulated under TSCA. Dielectric fluids or used oils at or >50 ppm PCBs are fully regulated under TSCA and are exempt from RCRA regulation. Some state RCRA regulations may include PCB wastes. Used oils with PCB concentrations 2-49 ppm are RCRA regulated for marketing or burning for energy recovery under the Used Oil regulations at 40 CFR 279. Other PCB-containing wastes (e.g., mixed wastes) may be regulated under RCRA and TSCA for disposal..

C8.16.2.5. DOD policy. DOD 4160.21-M, Chapter 10 provides DOD policy and procedures.

C8.16.2.6. *International DRMOs* - DOD 4715.05, Overseas Environmental Baseline Guidance Document, Chapter 14, in conjunction with the respective host nation's DOD Executive Agents' Final Governing Standards (FGS)). See paragraph C8.16.5. 5. - International DRMOs - International Requirements.

C8.16.3. Definitions.

C8.16.3.1. The 40 CFR 761 PCB regulations note over one hundred definitions that are not possible to list here. Since definitions are extremely important in making decisions on how to use, store, test, RTDS, and dispose of PCBs and PCB Items, please consult the 40 CFR 761.3 or access the required part of the regulation for definitions on the USEPA web site at <http://www.epa.gov>.

C8.16.3.1.1. For information regarding names of products containing PCBs, see Section 4, Supplement 2, Chapter 8, Enclosure 21.

C8.16.4. Receiving, Storage, Marking, Manifesting and Disposal Processing.

C8.16.4.1. See Section 3, Polychlorinated Biphenyls (PCBs), for detailed instructions.

C8.16.5. Import and Export Regulations.

C8.16.5.1. Import for disposal (761.73). The regulation does not allow PCBs or PCB items to be imported for disposal into the U.S. without an exemption issued under TSCA section 6(e)(3); however, per USEPA General Counsel determination, November 13, 1980, US (DOD) government PCBs and PCB Items manufactured and procured in the U.S., taken internationally by the DOD for use, and remaining under DOD control, may be returned to the U.S. for disposal as they are not considered imports.

C8.16.5.2. Export for Disposal (761.97). The regulation allows export for disposal of PCBs and PCB items at concentrations less than 50 ppm PCBs or 10 microgram per 100 centimeter squared (dry weight). If the PCB concentrations are unknown, assume PCBs and PCB Items to be equal to or greater than 50 ppm, therefore, not exportable for disposal.

C8.16.5.3. Other Transboundary Shipments. The following transboundary shipments are not considered exports or imports:

C8.16.5.3.1. PCB waste generated in the United States, taken out of the U.S., and remaining under the control of the US government (DOD) and returned to the US for disposal.

C8.16.5.3.2. PCB waste in transit through the US going to or coming from another country.

C8.16.5.4. International Agreements.

C8.16.5.4.1. The U.S. has not yet ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which imposes a series of obligations on Parties to the Convention. Since the U.S. is not a Party to the Convention, Parties to the convention may not trade in Basel-covered wastes with the U.S. unless there is a separate bi- or multi- lateral agreement or arrangement between the concerned governments covering such wastes (e.g., PCB waste) meeting the conditions specified in Article 11 of the Basel Convention. The lack of such an agreement or arrangement could prevent the export of DOD PCB waste from a Basel Party host nation to a third country for disposal.

C8.16.5.5. International Requirements.

C8.16.5.5.1. The references to 40 and 49 CFR apply to OCONUS DRMOs (except Alaska, Hawaii and Guam) only if PCBs are being retrograded to the US and/or Guam for disposal or sale. The environmental and transportation laws of the host country govern international DRMOs. The in-country disposal of PCBs must conform to the host country's environmental laws and regulations. Contact DRMS-O for guidance.

C8.16.5.5.2. OCONUS DRMOs (except Alaska, Hawaii and Guam) should consult Chapter 14, Polychlorinated Biphenyls, of the country specific FGS or in the absence of FGS, the OEBGD for PCB definitions applicable to their areas. OCONUS DRMOs should consult the OEBGD or FGS to determine the regulated level of PCBs in the country where the DRMO is located and any third country used for disposal. All questions should be directed to DRMS-O.

C8.16.5.5.3. Foreign manufactured PCBs (at any concentration) CANNOT be retrograded to the US for disposal. PCB contaminated electrical equipment located OCONUS must be assumed to be foreign manufactured if the generator cannot provide documentation to the contrary.

C8.16.5.5.4. All OCONUS PCB items retrograded to Guam for sale, whether US or foreign manufactured, must be tested to document that they are <50ppm. Foreign and US manufactured PCB items <50 ppm located OCONUS can be retrograded to Guam for sale only after all fluids have been drained by the generator.

NOTE: A moratorium barring retrogrades to Guam remains in effect until further instructions are issued from DRMS-O.

C8.16.5.5.5. OCONUS DRMOs must consult Chapter 14 of the country specific FGS or OEBGD to determine the regulated concentration of PCBs before attempting to sell PCB items in the local economy.

C8.16.5.5.6. OCONUS facilities must conform to the requirements of the OEBGD and/or FGS. The host installation commander is responsible for the determination of "most nearly conforming" storage.

C8.16.5.5.7. Marking and labeling of PCB articles, items, containers and transport must be done in accordance with Chapter 14 of the country specific FGS or the OEBGD.

C8.16.5.5.8. OCONUS DRMOs must review the FGS or OEBGD to determine if manifests are required when PCBs are shipped to the DRMO. Waste codes required by the host nation, the country of disposal or by international law will be used in lieu of codes required by 40CFR. USEPA designations will be used only for US manufactured PCB articles retrograded to the US for disposal.

C8.16.5.5.9. Exception reporting for OCONUS DRMOs will be done in accordance with host nation law. Consult DRMS-OLF for assistance.

C8.16.5.5.10. OCONUS DRMOs will include PCBs in any annual report submitted to the host.

C8.16.5.5.11. A spill prevention and awareness training for OCONUS DRMOs who store PCBs and PCB items shall be conducted yearly. This training may be an internal awareness training given by DRMO environmental personnel based on a review of the spill

policy and procedures in C8.6 and Section 4, Supplement 2, Chapter 8, Enclosure 2. Where practicable, the DRMOs may request host installation support in conducting a yearly spill awareness and prevention training or exercise for DRMO personnel.

C8.16.6. Retrogrades to CONUS - Special Instructions.

C8.16.6.1. Retrograde policy and procedures can be found in this manual at Section 2, Chapter 1, Logistics Program and Section 3, PCBs.

C8.16.6.2. Manifesting of PCB Retrogrades. The DOD provides guidance on how USEPA will apply the requirements of notification and manifesting PCBs for DOD. The guidance was developed for DOD in coordination with USEPA. The applicable guidance can be found in Deputy Assistant Secretary of Defense (Environment) (DASD(E)) memorandum, June 27, 1990, Subject: Notification and Manifesting of PCBs. The guidance follows:

C8.16.6.2.1. *“PCB waste that is legally being returned from overseas for disposal (i.e., PCB items which are of US origin) will be manifested at the point of entry into the United States. The stateside facility that received the PCB waste and originates the manifest will attach one copy of the transfer paper for each item that is listed on the manifest. These copies of the transfer papers must be kept with the copy of the manifest required to be maintained by 40 CFR 761.180(a).”*

C8.16.6.3. Only DOD-owned, “US-Made” PCB items may be retrograded to CONUS unless DOD or DLA receive a TSCA 6(e) exemption from the USEPA administrator. See C8.10.5.1 - Import/Export Regulations and C8.10.5.2 and C.10.6., Retrogrades to CONUS, above.

C8.16.6.3.1. OCONUS DRMOs retrograding PCB items or subcomponents removed from electronic scrap to CONUS for disposal shall follow the instructions given at Section 4, Supplement 2, Chapter 8, Enclosure 15.

C8.17. **Asbestos.**

C8.17.1. General.

C8.17.1.1. *Uses.* Asbestos has more than 3,000 different uses. About two-thirds of these uses are found in the construction industry in building products, insulation, friction materials and textiles. Manufactured products include reinforced asbestos cement sheets and pipes, patching and taping compounds, floor and ceiling tiles, as well as paints, coatings and sealants containing asbestos as reinforcing fillers, pipe linings and fillers for various liquids. Friction products include clutch facings and brake linings for automobiles, railroad cars, airplanes and industrial machinery. Other uses include theater curtains, fireproof blankets, filtration materials and drywall patching compounds. Industry created new product lines utilizing asbestos substitutes for many of these items.

C8.17.1.2. *Risk.* Asbestos presents significant risk to human health as a result of air

emissions. It is toxic by inhalation of dust particles and an active carcinogen. For additional health and safety information, see Safety & Health paragraph below.

C8.17.2. Definitions.
(40 CFR 61.141).

C8.17.2.1. Asbestos is the common name for a group of natural minerals that occur as masses of compact or relatively long silky fibers. Six fibrous minerals, members of a family called “silicates,” are recognized as asbestos: Chrysolite (white asbestos), actinolite, amosite (brown asbestos), anthophyllite, crocidolite (blue asbestos) and tremolite. Commercially, chrysotile is the most important form of asbestos.

C8.17.2.2. *Asbestos-Containing Waste Materials.* Any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart (such as demolition/renovation and waste disposal). It includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovations operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposal equipment and clothing.

C8.17.2.3. *Category I Nonfriable Asbestos-Containing Material (ACM).* Asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products.

C8.17.2.4. *Category II Nonfriable ACM.* Any material, excluding Category I nonfriable ACM, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

C8.17.2.5. *Friable Asbestos Material.* Any material containing asbestos that, when dry can be crumbled, pulverized, or reduced to powder by hand pressure. Material can be in the form of loose fibers; e.g., pipe insulation, or as a damaged component to an item; e.g., fire-fighting suit.

C8.17.2.6. *Nonfriable Asbestos-Containing Material.* Any material containing asbestos that, when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure.

C8.17.2.7. *Regulated Asbestos-Containing Material (RACM)* - Means:

C8.17.2.7.1. Friable asbestos material.

C8.17.2.7.2. Category I nonfriable ACM that has become friable.

C8.17.2.7.3. Category I nonfriable ACM that will be or has been subject to sanding, grinding, cutting, or abrading.

C8.17.2.7.4. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

C8.17.2.8. *Waste Generator.* Any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

C8.17.2.9. *Waste Shipment Record.* The shipping document that is required to be originated and signed by the waste generator, and used to track and substantiate the disposition of asbestos-containing waste material.

C8.17.3. Safety and Health.

C8.17.3.1. *Health Hazards.* All forms of asbestos tend to break into a dust of tiny fibers that can float in the air and be inhaled or swallowed. Health hazards identified to date are associated with the inhalation of friable, easily crumbled by hand pressure, asbestos. These airborne friable particles constitute a known carcinogen that also causes various other lung diseases such as the debilitating lung cancer called “Mesothelioma” and other forms of cancer of the digestive and respiratory tract. Heavy exposure to dust containing asbestos can cause skin irritation. Self-contained, undisturbed asbestos products are not considered hazardous, if so maintained. It is believed the most harmful friable fibers are so fine that an electron microscope is needed to see them. Due to their durability, they remain in the body for many years after entry. Asbestos associated maladies may not be manifested for up to 30 years.

C8.17.3.2. The personal protection required in the handling, receipt, storage and inspection of asbestos and asbestos-containing products is dependent on the degree of friability of the product and the concentrations of the fibers that become airborne.

C8.17.3.3. It is the responsibility of the DRMO Chief to ensure that all DRMO personnel involved in the physical processing of asbestos and asbestos-containing products are provided with personal protective clothing (PPC) and equipment and medical monitoring as defined in the 29 CFR 1910.1001.

C8.17.3.4. Specific guidance concerning the selection and use of the proper personal equipment shall be obtained from the host safety and health office or the DES-WRH Safety and Health manager.

C8.17.4. Receiving Process/Turn in Requirements.

C8.17.4.1. DRMOs will follow guidance in DOD 4160.21-M, Chapter 10, Special Turn in Requirements. Asbestos containing items will be turned-in and managed as HM. If the generating activity can not determine if the item is friable or nonfriable asbestos, then the DRMO will worse case the item and manage it as friable.

C8.17.4.1.1. Non-Friable.

C8.17.4.1.1.1 DRMOs will accept accountability and physical custody of nonfriable asbestos and nonfriable asbestos-containing items.

C8.17.4.1.1.2 The generating activity will indicate on the DD Form 1348-1/1A, Disposal Turn in Document, Block 27 as an “*Asbestos Containing Material (ACM)*” (non-friable).

C8.17.4.1.2. Friable.

C8.17.4.1.2.1 Since disposal contractors have the capability and routinely pick up waste at off-site locations, physical turn ins of friable asbestos to the DRMOs should be discouraged. But, DRMOs may accept accountability and physical custody of loose and/or exposed friable asbestos under the following conditions. The terms “loose” and “exposed” refer to the condition of the friable asbestos prior to packaging.

C8.17.4.1.2.1.1 The generating activity will indicate on the DD Form 1348-1/1A, Disposal Turn in Document, Block 27 as “*FRIABLE ASBESTOS*”.

C8.17.4.1.2.1.2 The generating activity has properly packaged the friable asbestos in leak tight packaging. Off-site transportation of friable asbestos must be in accordance with Department of Transportation (DOT) regulations (49 CFR 172-173)/ADR requirements.

NOTE: International DRMOs - OEBGD, Chapter 15, requires generating activities to wet all ACM wastes before sealing in leak proof containers.

C8.17.4.1.3. Storage.

C8.17.4.1.3.1 Asbestos containing items should be stored covered and, to the extent possible, separated from other materials. Storage areas for asbestos containing wastes should be posted with the DRMS Form 944 or equivalent sign with the wording: “*DANGER. ASBESTOS CANCER AND LUNG DISEASE HAZARD AUTHORIZED PERSONNEL ONLY*”. Handling for storage, issue, or sales should be confined to the minimum necessary utilizing extreme caution and maximum safety. Storage should also allow for periodic inspection without additional item movement. Evidence of friability should be reported to the property disposal officer immediately.

NOTE: International DRMOs - OEBGD requires the following language on the sign: “*DANGER-CONTAINS ASBESTOS FIBERS-AVOID CREATING DUST-CANCER AND LUNG DISEASE HAZARD*”.

C8.17.5. Processing - General.

C8.17.5.1. *Nonfriable asbestos-containing material* (e.g., roofing felt, brake lining) will be offered for RTDS consistent with DOD 4160.21-M. If RTDS fails, disposal will be either by burial in an EPA approved host landfill (if this option is available) or by ultimate disposal via service contract.

C8.17.5.1.1. *Downgrade to scrap actions are not permitted.* Normal scrapping operations such as separation and movement may cause the items to become friable.

C8.17.5.1.1.1 Upon evidence of rips, tears, or damage, the item will be immediately managed as a friable asbestos containing material.

C8.17.5.1.1.2 In RTDS actions, the recipient will be provided, as a minimum, the following warning on any appropriate release documentation:

C8.17.5.1.1.2.1 *"This product is composed of/contains asbestos. Asbestos in a friable (exposed/easily crumbled) state can be inhaled and may cause cancer. Extreme caution must be exercised to ensure the asbestos remains nonfriable. Warning should be perpetuated to the user level and, if transferred, to the new owner. Applicable OSHA standards for personal protection are 29 CFR 1910.1001 and the EPA disposal standards are 40 CFR 61.154."*

C8.17.5.2. Friable asbestos material will not be offered for RTDS. Disposal will be accomplished either in a host landfill that complies with 40 CFR 61.154 or through service contract.

C8.17.6. Asbestos Disposal.

C8.17.6.1. The requirements outlined in this paragraph apply to asbestos-containing waste except for Category I and Category II nonfriable asbestos waste that has not been crumbled, pulverized, or reduced to powder.

C8.17.6.2. *Packaging* Asbestos-containing waste for disposal must be sealed in leak tight containers or wrappings.

NOTE: International DRMOs - OEBGD requires generating activities to wet all ACM wastes before sealing in leak proof containers.

C8.17.6.3. Labeling:

C8.17.6.3.1. Containers or wrapped materials must be labeled as specified by 29 CFR 1910.1001(j)(2) or 1926.58(k)(2)(iii). That is, the labels must include the following information:

C8.17.6.3.1.1 *"DANGER. CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. CANCER AND LUNG DISEASE HAZARD"*

NOTE: International DRMOs - OEBGD requires the following language on the sign:

"DANGER-CONTAINS ASBESTOS FIBERS-AVOID CREATING DUST-CANCER AND LUNG DISEASE HAZARD".

C8.17.6.3.2. The labels must comply with 29 CFR 1910.1200(f) or OEBGD/FGS. Labels must be printed in letters of sufficient size and contrast so as to be readily visible and

legible. The labels must be printed in English and the host nation language. DRMOs that have employees who speak another language must also include the information in another language.

C8.17.6.3.3. The label (or marking) must also include the name and location of the waste generator.

C8.17.6.4. Vehicle Marking:

C8.17.6.4.1. Display markings so that they are easily readable.

C8.17.6.4.2. The marking must conform to the requirements for 51 cm x 36 cm (20 in. x 14 in) upright format signs specified in 29 CFR 145(d)(4).

C8.17.6.4.3. Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified:

C8.17.6.4.3.1 *"DANGER. ASBESTOS. CANCER AND LUNG DISEASE HAZARD. AUTHORIZED PERSONNEL ONLY. RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED"* Notation 2.5 cm (1 in) Sans Serif, Gothic or Block 2.5 cm (1 in) Sans Serif, Gothic or Block 1.9 cm (3/4 in) Sans Serif, Gothic or Block 14 Point Gothic.

C8.17.6.5. Waste Shipment Record (WSR):

C8.17.6.5.1. A waste shipment record must be used for shipments of asbestos wastes (40 CFR 61.150). The waste shipment record for asbestos wastes is similar to the manifest requirement for hazardous waste. Some states may require the use of a specific form. DRMOs should check with their state to determine if a specific form is required. If not, DRMS Form 1974, Asbestos Waste Shipment Record, or a contractor form can be used provided that the form includes the same information as the DRMS Form.

C8.17.6.5.2. The WSR is used as a means for cradle-to-grave accountability and must be provided to the disposal facility upon delivery of waste. The owner/operator of the designated disposal facility is required to return a copy of the WSR to the generator. DRMOs that have not received a signed copy within 35 days should contact the transporter and/or disposal facility to determine the status. If a signed copy of the WSR is not received within 45 days of shipment, an exception report should be sent to the local, state or EPA regional office responsible for administering the NESHAP program. Include the following information in the exception report:

C8.17.6.5.2.1 Copy of the WSR:

C8.17.6.5.2.2 Cover letter signed by the waste generator explaining the efforts taken to locate asbestos waste shipment and the results of those efforts.

C8.17.6.5.3. *Recordkeeping.* Retain a copy of the Waste Shipment Record form for 2 years and make available to EPA upon inspection.

NOTE: International DRMOs - OEBGD requires a permanent record be kept.

C8.17.7. International Requirements.

C8.17.7.1. DRMOs Receiving FEPP (C1.8.1.3.) must consult Chapter 15, Asbestos, of the country specific FGS, or in the absence of an FGS, the OEBGD for asbestos requirements in the host nation.

C8.17.7.2. At a minimum, DRMOs Receiving FEPP (C1.8.1.3.) are required to meet the following requirements when handling asbestos-containing property:

C8.17.7.2.1. Generators are required to wet all friable ACM wastes before sealing in leak proof containers.

C8.17.7.2.2. For activities outside the United States, the OEBGD requires the following language on the sign: *"DANGER-CONTAINS ASBESTOS FIBERS-AVOID CREATING DUST-CANCER AND LUNG DISEASE HAZARD"* written in English and the host nation language, where applicable.

C8.17.7.2.3. Labels on ACM must comply with OEBGD and/or in-country Final Governing Standards printed in English (and the host nation language, where applicable).

C8.17.7.2.4. For OCONUS activities, the OEBGD requires a permanent record be kept.

C8.18. Compressed Gas Cylinders.

C8.18.1. General.

C8.18.1.1. Generating activities shall turn in, and DRMOs shall process, compressed gas cylinders in accordance with the joint regulation, DLAI 4145.25, AR700-68, NAVSUPINST 4440.128D, MCO 10330.2D, AFJMAN 23-227(I), Storage and Handling of Liquefied and Gaseous Compressed Gasses and their Full and Empty Cylinders.

C8.18.2. Offered for Sale.

C8.18.2.1. When offered for sale, compressed gas cylinders will be offered in accordance with the instructions contained at Section 3, Compressed Gas Cylinders.

C8.19. Used Oil.

C8.19.1. General.

C8.19.1.1. Before used oil is turned in to the DRMO, the generating activity is required to properly identify the hazardous components. A determination must be made that the used oil is

either Hazardous Waste (HW) or Hazardous Material (HM). International DRMOs will determine whether used oil is HW by consulting the definitions of HW and used oil in their Final Governing Standards (FGSs), and process the used oil within the FGS guidelines. International DRMOs will require the submission of Hazardous Waste Profile Sheets (HWPS) in order to document the classification of their used oil.

C8.19.1.2. Generating activities must provide a DRMS Form 1930, Hazardous Waste Profile Sheet (HWPS) or substitute form for the turn in of HW and used HM. This requirement is based on the definition of a hazardous waste when discarded, as provided in 40 CFR Part 261 (DOD 4160.21 M, Chapter 10 and revised by DRMS Letter No. 91-6.) But, used oil is uniquely regulated under 40 CFR Part 279 and the information required for turn in depends on the intended use of the oil, i.e., whether it is recycled, burned for energy recovery, or discarded. The following provisions apply to used oil:

C8.19.1.2.1. Used oil burned for energy recovery, is exempt from regulation as a hazardous waste fuel under 40 CFR Part 266 (subpart H) when it is a HW solely due to the used oil exhibiting a characteristic of HW as identified in 40 CFR 261.20. This used oil is subject to regulation under 40 CFR 279.10.

C8.19.1.2.2. When used oil exhibits a characteristic of HW, is mixed with a listed HW, or has a total halogen count of more than 1,000 ppm, and is disposed of by means other than recycling, it becomes a HW and is subject to RCRA HW regulations.

C8.19.1.3. The following applies to mixtures:

C8.19.1.3.1. Used oil mixed with a listed HW is subject to RCRA HW regulations regardless of whether it is recycled or sent to a disposal facility (40 CFR 279.10(b)(1)).

C8.19.1.3.2. If a used oil mixture does not exhibit any characteristic of a HW, it is under 40 CFR 279.10(b)(2).

C8.19.1.3.3. Used oil mixed with a waste which is HW solely due to the oil exhibiting the characteristic of ignitability, but the mixture does not exhibit the characteristic of ignitability, is also regulated as used oil (40 CFR 279.10(b)(2)(iii)).

C8.19.1.4. When it is determined that a HWPS is required, the generating activity has the option to employ user knowledge and ensure supporting documentation is available. To avoid costly sampling/analysis the generating activity may use composite sampling as a cost-saving alternative.

C8.19.1.5. The EPA Standard for the Management of Used Oil and DRMS procedures for compliance with 40 CFR Part 279 is provided at Section 4, Supplement 2, Chapter 8, Enclosure 14. These management standards for used oil were effective 8 Mar 93 in states without final RCRA authorization. These states include: Alaska, Hawaii, and Iowa. States with RCRA authorization were required to adopt equivalent or more stringent standards by 1 Jul 94; if a change in state law is needed the deadline date was Jul 95. DRMOs should check with their

state regulatory agency to determine the status of the used oil management standards where they are located.

C8.19.2. Identification of Used Oil for Turn in.

C8.19.2.1. To assure used oil is properly identified, ask the generating activity the following sequence of questions. If the generating activity cannot answer these questions, they cannot properly identify the hazardous components of their turn in and the property should be rejected.

C8.19.2.1.1. Has the used oil been mixed with a listed HW as specified in 40 CFR 261.31, 261.32, 261.33, or host country regulations?

C8.19.2.1.1.1 If the answer is **yes**, the receipt should be treated as HW (Reference: Section 2, Chapter 1, Logistics Program and all requirements of DOD 4160.21-M, Chapter 10).

C8.19.2.1.1.2 If the answer is **no**, proceed to the next question.

C8.19.2.1.2. Has the used oil been mixed with a characteristic waste as specified in 40 CFR 261.20 or a HW listed in 40 CFR 261.31, 261.32, 261.33 (solely due to the oil exhibiting a characteristic of HW) or a HW based on host country regulations?

C8.19.2.1.2.1 If the answer is **yes**, the oil should be treated as a HW, if the resultant mixture exhibits any of the characteristics of HW as specified in 40 CFR 261.20.

C8.19.2.1.2.2 If the answer is **yes**, but the resultant mixture does not exhibit any of the characteristics of HW as identified in 40 CFR 261.20, it is regulated as used oil.

C8.19.2.1.2.3 If the answer is **yes**, but the mixture is a HW solely due to the oil exhibiting the characteristic of ignitability, and the resultant mixture does not exhibit the characteristic of ignitability, it is regulated as used oil.

NOTE: For examples see Section 4, Supplement 2, Chapter 8, Enclosure 14 and Section 3.

C8.19.2.1.2.4 If the answer is **no**, proceed to the next question.

C8.19.2.1.3. Does the used oil have total halogens greater than 1,000 ppm?

C8.19.2.1.3.1 If the answer is **yes**, the receipt should be treated as HW unless the generating activity provides documentation listed in 40 CFR Part 279.10(b)(1)(ii) to rebut this assumption. Otherwise, the requirements of DOD 4160.21-M, Chapter 10 applies.

C8.19.2.1.3.2 If the answer is **no**, receive as HM. Please note the following:

C8.19.2.1.3.2.1 When used oil is RTDS for recycling (other than burned for energy recovery), it is subject to 40 CFR 261.6(a)(4) and 40 CFR 279.

C8.19.2.1.3.2.2 When used oil is RTDS for energy recovery, it is defined as a used oil fuel and is subject to the requirements of 40 CFR 279, Subpart G. Refer to for information on selling used oil.

C8.19.2.1.4. Information needed from the generating activity to process used oil for RTDS consists only of the following:

Flash point. If the flash point is less than 140 degrees Fahrenheit, we need to know why; i.e., a low flash point may indicate that the used oil has been mixed with a HW. If the generating activity cannot give documentation to show why the flash point is low, treat the used oil as HW and request a HWPS.

C8.19.2.1.4.1 *Total halogens* (see paragraphs C8.19.2.1.3. above).

C8.19.2.1.4.2 A waste analysis or other information may be useful for RTDS, but should not be a turn in requirement.

C8.19.3. Requirements for Marketers of Used Oil.

C8.19.3.1. Definition of Marketer (40 CFR 279.1).

C8.19.3.1.1. Marketers include:

C8.19.3.1.1.1 Generating activities that sell used oil directly to a burner.

C8.19.3.1.1.2 Persons who receive used oil from a generating activity and produce, process, blend used oil fuel.

C8.19.3.1.1.3 Persons who distribute used oil fuel.

C8.19.3.1.2. Marketers do not include used oil generating activities and collectors unless they market it directly to a burner.

C8.19.3.1.3. In processing used oil, DRMS would not usually meet the definition of a marketer; however, we would be considered a marketer in the event we sold used oil directly to a burner.

C8.19.3.2. The requirements of 40 CFR 279.70 applies only to marketers of used oil. There are no RCRA HW requirements for the RTDS of used oil by those persons not meeting the regulatory definition of a marketer. Marketers are subject to the following requirements based on whether or not the used oil meets "specification".

NOTE: Used oil is regulated by DOT if it meets the definition of a combustible or flammable liquid.

C8.19.3.2.1. “Specification used oil” is used oil burned for energy recovery that does not exceed the allowable levels of any of the constituents/properties listed on 40 CFR 279.11. Requirements:

C8.19.3.2.1.1 Obtain analysis or other information to document that the used oil meets the specification.

C8.19.3.2.1.2 Maintain an operating log on shipments of used oil to include:

C8.19.3.2.1.2.1 Name and address of facility receiving the shipment.

C8.19.3.2.1.2.2 The quantity of used oil fuel delivered.

C8.19.3.2.1.2.3 The date of shipment or delivery.

C8.19.3.2.1.2.4 A cross-reference to the record of analysis (or other information used to make the determination that the oil meets the specification).

C8.19.3.2.1.3 Keep the above records 3 years.

C8.19.3.2.2. “Off-specification used oil” is used oil burned for energy recovery that exceeds the allowable levels of any of the constituents/properties listed in 40 CFR 279.11. Requirements:

C8.19.3.2.2.1 Obtain notice from burner or other marketer that:

C8.19.3.2.2.1.1 He has notified EPA of the location and description of used oil activities and has an EPA identification number.

NOTE: This does not apply to international DRMOs.

C8.19.3.2.2.1.2 If a burner, they will only burn the used oil in an industrial furnace or boiler identified in 40 CFR 279.61(a).

C8.19.3.2.2.2 Notify EPA of used oil management activities.

C8.19.3.2.2.3 Utilize an invoice, log or shipping document system for the shipment of used oil, which includes the following:

C8.19.3.2.2.3.1 Invoice, log, or shipping document number.

C8.19.3.2.2.3.2 EPA ID numbers of shipper and facility receiving used oil.

C8.19.3.2.2.3.3 Names and address of shipping and receiving facilities.

C8.19.3.2.2.3.4 Quantity of off-specification used oil delivered.

C8.19.3.2.2.3.5 Date(s) of shipment/delivery.

C8.19.3.2.2.4 Keep copies of invoices and notices for 3 years.

C8.19.3.2.3. Refer to Section 3 and Section 4, Supplement 2, Chapter 8, Enclosure 14, for additional information on sales of used oil products.

C8.19.4. Requirements for Used Oil Filters.

C8.19.4.1. Non-tern plated used oil filters that are not mixed with wastes listed in subpart D of 40 CFR 261 are excluded under 40 CFR 261.4(b)(13), if the oil filters have been gravity hot-drained using one of the following methods:

C8.19.4.1.1. Puncturing the filter anti-drain back valve or the filter dome end and hot draining.

C8.19.4.1.2. Hot-draining and crushing.

C8.19.4.1.3. Dismantling and hot-draining.

C8.19.4.1.4. Any other equivalent hot-draining method that will remove used oil.

C8.19.4.2. Tern plated oil filters are not included in the exemption and require a HW determination prior to disposal in a landfill. Other types of filters, such as fuel filter, transmission oil filters or specialty filters (such as cloth railroad oil filters) are also not included in the exemption.

C8.19.5. Refrigerant Contaminated Compressor Oil.

C8.19.5.1. Refrigerant-contaminated compressor oil from refrigerated equipment may contain residual halogenated substances that cause it to exceed 4,000-ppm CFC concentrations.

C8.19.5.2. Presently, USEPA does not require that the halogenated substances be recovered from refrigerant-contaminated compressor oil to comply with the refrigerant recycling rule, although such requirements could be issued in the future.

C8.19.5.3. The high concentrations of these halogenated substances places the management of residual compressor oil as a waste subject to the Resource Conservation and Recovery Act (RCRA), which establishes requirements on the handling, storage, and disposal of used oil contaminated with halogenated compounds.

C8.19.5.4. Refrigerant-contaminated compressor oil will be managed under RCRA, Rebuttable Presumption for Used Oil, as outlined at 40 CFR Parts 279.10(b)(ii)(B) and 279.44(c)(2) and (d). Note that:

C8.19.5.4.1. The regulation exempts from the “rebuttable presumption” refrigerant-contaminated compressor oil removed from refrigeration equipment **only** with refrigerants (CFCs) and **not mixed** with used oil from other sources, if the CFCs are destined for reclamation.

C8.19.5.4.2. If the CFCs in the compressor are not destined for reclamation, manage the oil as a hazardous waste.

C8.19.5.4.3. The “rebuttal presumption” does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

C8.20. **Pesticides.**

C8.20.1. General.

C8.20.1.1. Most installations utilize a wide variety of pesticide products ranging from those that are practically nontoxic for mammals to those that are highly toxic. Included are insecticides, herbicides, fungicides, fumigants, nematocides, rodenticides and other miscellaneous pesticides. Each of these pesticide groups has particular characteristics that require special attention.

C8.20.1.2. DRMO personnel will not physically handle or have contact with unpackaged pesticide products. If an emergency should occur and DRMS personnel become involved with a pesticide spill, they should be aware of the necessary safety procedures for handling and disposing of pesticides. Pesticide spills will be handled in accordance with paragraph C8.5. of this instruction.

C8.20.1.3. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations (40 CFR 156) contain the requirements that must be met before a pesticide product may be marketed and used. The disposal of pesticides is regulated under RCRA.

NOTE: International DRMOs - Disposal is regulated by OEBGD/FGS and host nation regulations.

C8.20.1.4. Pesticides that would be hazardous waste when disposed may be managed as universal waste. DRMOs have the option of managing waste pesticides under the universal waste standards (40 CFR 273) or under regular RCRA requirements. Guidance for managing pesticides as universal waste can be found in paragraph C8.25 this section.

C8.20.2. Definitions.

C8.20.2.1. *Canceled Pesticide Products.* Pesticide products which the EPA has canceled due to health and/or environmental concerns, or due to the manufacturer choosing not to support the products.

C8.20.2.2. *Container.* Any portable device in which a material is stored, transported, disposed of, or otherwise handled, which is normally turned into the DRMO for disposal, including those whose last contents were hazardous or acutely hazardous substances.

C8.20.2.3. *Contaminant.* Any material compound, or substance that is not an intended or original part of a pesticide's formulation when it is manufactured.

C8.20.2.4. *Decontamination/Detoxification.* Method that converts pesticides into non-toxic compounds.

C8.20.2.5. *Mishap.* An unplanned event or series of events that result in injury or illness to personnel or damage to property. An accident.

C8.20.2.6. *Pesticide.* Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and any substance or mixture of substances intended for use as a plant growth regulator, defoliant, or desiccant. Although registered as pesticides, disinfectant products, such as surface disinfectants (e.g., "Lysol" and similar products) are not included in this chapter.

C8.20.2.7. *Restricted Use Pesticide.* A product that may only be applied by a certified applicator or a person under their direct supervision.

C8.20.2.8. *Suspended Pesticide.* A pesticide product that EPA has suspended pending cancellation hearings or indefinitely. Such a pesticide is usually barred from sale, distribution and use.

C8.20.3. Turn in Procedures.

C8.20.3.1. DRMOs will follow the turn in procedures for pesticides in DOD 4160.21-M, Chapter 10.

C8.20.3.2. In addition to the turn in procedures in DOD 4160.21-M, the information below also needs to be determined to properly manage pesticides.

C8.20.3.2.1. *Condition of the pesticide* (i.e., is it in a serviceable or unserviceable condition?). Serviceable pesticides are those pesticides that can be used, are properly packaged and labeled and can go through the RTDS disposal cycle. These pesticides shall be turned-in as HM. Unserviceable pesticides are those that cannot be used (i.e., containers are in poor condition, improperly labeled, adulterated composition, or their authorized use has been canceled or suspended). These pesticides will be received as HW (unless the pesticide does not meet HW criteria).

C8.20.3.2.2. *Status of the pesticide registration.* If a pesticide is potentially serviceable, the DRMO must determine the status of the pesticide's registration. To determine this, the DRMO should work with the turn in activity to obtain information about the pesticide. A pesticide must be registered and approved for use by EPA. Uses of a pesticide are controlled through this registration process. Pesticides are approved for uses ranging from a very broad permitted use to a very narrow restricted use. It is a violation of law to use a pesticide for any use other than which the pesticide is approved for. Also, pesticides that were approved for an authorized use at one time may have been cancelled or suspended at a later date so that any new use or continued use is no longer permitted. The DRMO needs to ensure that the pesticide, its registration, and its label are still current if it will go through RTDS.

NOTE: International DRMOs - Pesticides going through the RTDS process should be evaluated for compliance with host nation approval to ensure its use is not prohibited in that country, contact DRMS-OL for guidance.

C8.20.3.2.3. *The DOD Pesticide Hotline*, (DSN) 584-3773 / (410) 436-3773, or go to the website: <http://chppm-www.apgea.army.mil/ento/hotken.htm> operated by the U.S. Army Center for Health Promotion and Preventive Medicine. This is a helpful resource and should be contacted to help determine the status of a pesticide's registration. This hotline can assist in determining if a pesticide has been suspended, canceled, or its use modified in any way from the original registration.

C8.20.3.3. Unserviceable pesticides (those which lack proper labeling or have had their composition altered) should be labeled "*For Disposal Only*" by the generating activity. The pesticides will be processed directly to disposal or return to manufacture, if available.

C8.20.3.4. Unlabeled pesticide products (either lacking an EPA label or a "For Disposal Only" label) will not be accepted by the DRMO. It is a violation of FIFRA to use or transport a pesticide that is unlabeled.

C8.20.3.5. DRMOs should obtain assistance from host pesticide personnel when special handling or identification problems occur.

C8.20.4. Label Requirements.

C8.20.4.1. Every serviceable pesticide product is required to bear a label containing information as specified in 40 CFR 156. The words are required to be prominent and legible, and affixed to the immediate pesticide container. Labels for all serviceable pesticides shall contain the following basic information:

C8.20.4.1.1. Name and address of manufacturer, registrant, or person for whom the pesticides were manufactured.

C8.20.4.1.2. Name, brand, or trademark under which the product is sold.

C8.20.4.1.3. EPA registration number (EPA Reg. No.) and EPA establishment number (EPA Est. No.) (for those used in the U.S.).

C8.20.4.1.4. Statement of net contents.

C8.20.4.1.5. Statement of ingredients.

C8.20.4.1.6. An appropriate warning or precautionary statement, as necessary, to prevent injury to man, animals, vegetation and useful invertebrate animals (paragraph D2.)

C8.20.4.1.7. Direction for use that, if followed, is adequate to protect the user, the public, and the environment.

C8.20.4.1.8. The registration number of the final establishment location where the product was produced (preceded by "EPA Est.").

C8.20.4.1.9. Statement of Use Classification. This is either a general use classification or a restricted use classification.

C8.20.4.1.10. EPA precautionary labeling requirements - EPA provisions for labeling of pesticide products require the use of "Human hazard signal words" on the label to indicate the potential hazard. For highly toxic pesticides, the word **DANGER** is used. If this toxicity category is based on oral, dermal, or inhalation effects, the product concerned will also be labeled **CAUTION**. Pesticides are also labeled "**Keep out of reach of children**".

C8.20.4.2. Additional Labeling Requirements:

C8.20.4.2.1. Pesticides lacking a current label must be considered unserviceable unless revised labeling can be procured from the manufacturer. In some cases, it is legal and possible to obtain an amended label from the manufacturer to be placed on the container. For example, if a pesticide's authorized use or classification (i.e., restricted) changes from the original existing label, a new label must be placed on the container. If a manufacturer is unable to provide an amended label, or if the manufacturer is out of business, then the product must be declared unserviceable and be prepared for disposal. In the absence of amended labeling, resale and transfer at the DRMO level is a violation of the pesticide laws.

C8.20.4.2.2. Improperly labeled pesticides cannot be transported unless declared unserviceable and will be transported for disposal only. The pesticide must be labeled "*For Disposal Only*."

C8.20.5. RTD Procedures.

C8.20.5.1. Serviceable pesticides may be reused or sold for its intended purposes only if it has a complete, EPA approved label on its container; and only if the product has not deteriorated nor had any substance added to it (adulterated).

NOTE: International DRMOs - Pesticides going through the RTDS process should be evaluated for compliance with host nation approval to ensure its use is not prohibited in that country, contact DRMS-OL for guidance.

C8.20.5.2. Repackaged, suspended or canceled pesticides will not be put through RTDS. They shall be designated for disposal only, or for return to the manufacturer.

C8.20.5.3. Do not transfer, donate, or sell excess and surplus pesticide products for which specific use restrictions have been imposed until the recipient furnishes a written Statement of Intent that the item will be used only for the purposes and under the conditions specified. Restricted use pesticide products may only be sold to and applied by a certified applicator. Transferees must be notified of this requirement.

C8.20.5.4. Notify the recipient that it is the user's responsibility to determine whether the intended use of the pesticide is in compliance with local, state and Federal or foreign law.

C8.20.5.5. Pesticide products labeled with the marking "*For Military Use Only*" and an EPA Registration Number may only be reutilized. Paperwork associated with the label is labeling and is considered a part of the label. Thus, to obliterate the words, "*For Military Use Only*" would be a considered a modification to the label and would be illegal.

C8.20.5.6. Opened containers of serviceable pesticides may go through RTD provided that the item has not been adulterated and the label is current.

C8.20.5.7. Do not release leaking, deteriorating, or improperly labeled material.

C8.20.5.8. If the generating activity has indicated that the maximum pesticide content has fallen below the labeled amount; for example, by the addition of other material to the container's contents, the product is considered adulterated and cannot be further used as a pesticide.

C8.20.5.9. The sale and donation of pesticides to non-English speaking customers must be carefully evaluated. The risk associated with handling, storage and application are greatly increased due to the language difference. The sale or donation of pesticides at an international DRMO must be coordinated with DRMS-OL.

C8.20.6. Storage

C8.20.6.1.1. *Facilities.* Pesticides should be stored in a dry, well-ventilated, separate room, building, or covered area where fire protection is provided.

C8.20.6.1.2. Classification and Separation.

C8.20.6.1.2.1 Rigid containers should be stored in an upright position, and all containers should be stored off the ground in an orderly way, so as to permit ready access and inspection.

C8.20.6.1.2.2 Containers should be stored with labels plainly visible. If during storage, a pesticide product's label becomes lost or mutilated, only the registrant may re-label or modify a product label. The registrant must provide written authorization to the DRMO to re-label a pesticide. The registrant must provide the label and grant the DRMO permission to alter/replace the label, then the DRMO is acting as their agent and this would be legal.

C8.20.6.1.2.3 **Herbicides and insecticides are often incompatible with one another and must be stored separately**, maintaining sufficiently safe segregation, (i.e., use of four-foot aisles), in order to avoid cross-contamination or adverse reactions. Therefore, it is recommended that they be stored apart from other chemicals for the same reason. If a container should be corroded and chemicals or pesticides mix, the storage area could be contaminated by fumes, etc., and become extremely hazardous for any personnel in the area.

C8.20.6.1.2.4 Emergency procedures (fire, spill, etc.) should be conspicuously posted near work areas and exits. A complete inventory of the pesticides contained in the storage area should be posted on the outside of the storage area, and be given to the local fire department, being updated as needed; along with the name and phone number of the responsible supervisor and building custodian.

C8.20.7. Safety Precautions.

C8.20.7.1. The DRMO will inspect all containers of pesticides for leaks before handling.

C8.20.7.2. Permit only authorized persons in the storage area.

C8.20.7.3. Safety Measures:

C8.20.7.3.1. Do not store food, beverages, tobacco, eating utensils or smoking equipment in the storage or loading areas.

C8.20.7.3.2. Do not drink, eat or smoke in areas where pesticides are present.

C8.20.7.3.3. Do not put fingers in mouth or rub eyes while working.

C8.20.7.3.4. Wash hands before eating, smoking and immediately after loading or transferring pesticides.

C8.20.7.3.5. A shower and/or eyewash should be readily available.

C8.20.8. Recontainerization of Pesticides.

C8.20.8.1. Generally, DRMO personnel will not perform recontainerization or repackaging of pesticide products. Host installation or service contractor personnel who have been specially trained and have the specialized equipment necessary to perform the work in both an occupational and environmental safe manner will perform repackaging.

C8.20.8.2. If it becomes necessary that a DRMO recontainerize/overpack pesticide products due to the deteriorated and/or leaking condition of the original container, the DRMO must contact the host installation for assistance.

C8.20.8.3. Replacement/overpack containers must meet Department of Transportation specifications.

C8.20.8.4. Repackaged pesticide products will be labeled with the following information:

C8.20.8.4.1. NSN-repackaged (if applicable).

C8.20.8.4.1.1 Nomenclature and percent active ingredient.

C8.20.8.4.1.2 Type and quantity of rinse solution or contaminants (if applicable).

C8.20.8.4.1.3 Total quantity in gallons (liquids) or pounds (solids).

C8.20.8.4.1.4 Date packaged (month/year).

C8.20.8.4.1.5 The phrase **“For Disposal Only”**.

C8.21. Chemical Defense Equipment (CDE).

C8.21.1. CDE KITS.

C8.21.1.1. DRMOs must follow the guidelines in DOD 4160.21-M, Chapter 10, for turn in, DEMIL, and disposal. International DRMOs will follow DRMSI Policy Letter 99-3, DEMILitarization (DEMIL) Procedures for Chemical Defense Equipment, 4 August 1999.

C8.21.1.1.1. DRMOs are required to accept physical custody (where properly permitted) and accountability of CDE kits or their components.

C8.21.1.1.1.1 The chemical components in the CDE kits that are a RCRA, state, or host nation regulated HW when discarded will be turned in to the DRMO for disposal on service contract. Only those kits that are no longer in usable condition should be turned in for disposal.

C8.21.1.1.1.2 The generator will coordinate with the item manager prior to turn in of CDE kits to determine specific kit separation requirements. Some CDE kits may be turned-in and managed as a whole kit for disposal, and some may require removal and/or separation of individual components for DEMIL and/or disposal. If separation is required, each commodity will be turned in on a separate DTID marked as “HW”.

C8.21.1.1.1.3 The property will be coded DEMIL “F”. The method of DEMIL is the actual disposal by the HW disposal contractor at a RCRA permitted disposal facility. DEMIL

certification will be accomplished on DRMS Form 1668, DD Form 1155, or DD Form 1348-1/1A. If the DTID is used for certification, a copy must be forwarded to DRMS-PH to retain with the delivery order files for DEMIL audit trail. The DRMO contracting officer representative will be the certifier and the counter signer should be at least in the next higher management level to the initial certifying individual.

NOTE: If certifier is the highest-level counter signer may be another appointed DEMIL verifier.

C8.21.1.1.1.3.1 The DEMIL authority to be placed on the certification will be:

"I certify that this property has been released for transportation to a permitted landfill or incinerator for ultimate disposal, in accordance with standard EPA requirements, which will constitute DEMILitarization. The HW manifest and certificate of disposal will serve as documentation that DEMILitarization has been accomplished."

NOTE: International DRMOs - Letters of appointment for CORs on Hazardous Waste Contracts, acting as Certifier or Verifier of DEMIL required property will be in writing. See Section 1, Chapter 2, General Operations Guidance. With the exception of Hawaii, Guam, and Alaska international DRMOs will use the following DEMIL Certification Statement for CDE articles turned in for disposal:

Figure 3 - Certification Statement for CDE Articles Turned In for Disposal

"I certify that this property has been released for transportation to a permitted hazardous waste landfill or incinerator for ultimate disposal, according to applicable Final Governing Standards or Overseas Environmental Baseline Guidance Document requirements, which will constitute DEMILitarization, based on approved OASD Memorandum, dated 2 March 90, Turn in and DEMILitarization (DEMIL) Procedures for Chemical Defense Equipment Items Containing Regulated Hazardous Waste".

C8.21.1.1.2. Assistance is available regarding DEMIL and disposal requirements for CDE from the DEMIL team at the U.S. Army Edgewood Research Development and Engineering Center (ERDEC) located at Aberdeen Proving Ground, Maryland. They can be reached at (DSN) 584-6588 or commercial (410) 612-6588. DEMIL disposal procedures are also available at <http://aeps.ria.army.mil/aepspublic.cfm>. A login and password is required to access this database.

C8.21.1.1.2.1 To obtain a login and password, fill out the "Access Request Form" located on the AEPS Home Page.

C8.21.1.1.2.2 When login and password have been obtained, click on the "Enter AEPS (Restricted Access)" to access the AEPS website.

C8.21.1.1.2.3 Click on "SBCCOM" located on the lower left side of the screen.

C8.21.1.1.2.4 Click on "SEARCH", located at the top of the page.

C8.21.1.1.2.5 The page now displayed is the “*Soldier and Biological Chemical Commands Product Support*” Website. Complete a search for the CDE by NIIN, NSN, LIN, nomenclature, etc.

C8.21.1.1.3. Information concerning CDE may be obtained from the item manager: USA Armament and Chemical Acquisition and Logistics Activity, ATTN: AMSTA-AC-CTC, Rock Island Arsenal, Rock Island, IL 61229-7630, (DSN) 793-2103/4475 or commercial (309) 782-2103/4475.

C8.21.2. Protective Masks and Filters.

C8.21.2.1. DRMOs must follow the guidelines in DOD 4160.21-M, Chapter 10, for turn in, DEMIL and disposal.

C8.21.2.1.1. Some canisters/filters contain ASC whethlerite charcoal. ASC whethlerite charcoal is a specific carbon that has been impregnated with a solution of copper, chromium, and silver. This carbon when disposed must be managed as HW due to the characteristic of chromium, (EPA Waste Code: D007).

C8.21.2.1.2. Usable Protective Masks in condition codes A and B. CDE containing ASC whethlerite charcoal in condition codes A and B will receive the following processing:

C8.21.2.1.2.1 Accountability (only) of the property will be transferred to the DRMO. DRMOs will only offer the property for reutilization in accordance with information found in Section 3, CDE, this instruction.

C8.21.2.1.2.2 Canister/filters will not be removed from the protective masks by the holding activity until it is determined that there are no requirements for items in condition codes A and B.

C8.21.2.1.3. If the masks are not issued as indicated above, the generating activity having custody of the property will remove and properly package the ASC filters as hazardous waste for turn in to the DRMO as follows:

C8.21.2.1.3.1 Prepare a separate DTID for the waste filters following the instructions given below in paragraph C8.21.2.1.4.

C8.21.2.1.3.2 Turn in physically to the DRMO for DEMILitarization of the mask after filters/canisters have been removed (i.e., slashing the face piece of the mask with a cut of no less than four inches directly below the eyepieces.)

C8.21.2.1.4. Turn in Instructions.

C8.21.2.1.4.1 The generating activity is responsible for the removal of filters, canisters, and filter systems prior to turn in. End items (gas masks, shelters, vehicles) will not be accepted with filters, canisters or filter systems attached.

C8.21.2.1.4.2 Large filters (e.g., shelter, hospital, etc.), which cannot be placed in drums, will have all inlet and outlet ports sealed. If damaged/broken, the entire filter will be sealed in plastic wrap, to a thickness of 6.0 mil. minimum. DRMOs will take accountability but not physical custody of this property.

C8.21.2.1.4.3 The DTID must contain a valid NSN. LSNs or non-standard stock numbers shall not be used.

C8.21.2.1.4.4 The property will be coded DEMIL "F". The method of DEMIL is the actual disposal by the HW disposal contractor at a RCRA permitted or international DRMOs/DOD approved disposal facility. DEMIL certification will be accomplished on DRMS Form 1668, DD Form 1155, or DD Form 1348-1/1A. If the DD Form 1348-1/1A is used for certification, a copy must be forwarded to DRMS-PH to retain with the delivery order files for DEMIL audit trail. The DRMO contracting officer, contracting officer's representative (COR) or contracting officer's technical representative (COTR) will be the certifier and the next level of authority, up through the DRMO Chief, will be the verifier. The DEMIL authority to be placed on the certification will be:

Figure 4 - Certification Statement - Items to be Transported for Ultimate Disposal

"I certify that this property has been released for transportation to a permitted landfill/incinerator for ultimate disposal, in accordance with standard EPA requirements, which will constitute DEMILitarization. The HW manifest and certificate of disposal will serve as documentation that DEMILitarization has been accomplished."

NOTE: International DRMOs - Letters of appointment for CORs on Hazardous Waste Contracts, acting as Certifier or Verifier of DEMIL required property will be in writing. See Section 1, C2.2., Written Appointments. With the exception of Hawaii, Guam, and Alaska international DRMOs will use the following DEMIL Certification Statement for CDE articles turned in for disposal:

Figure 5 - DEMIL Certification Statement for CDE Articles Turned In for Disposal

"I certify that this property has been released for transportation to a permitted hazardous waste landfill or incinerator for ultimate disposal, according to applicable Final Governing Standards or Overseas Environmental Baseline Guidance Document requirements, which will constitute DEMILitarization, based on approved OASD Memorandum, dated 2 March 90, Turn in and DEMILitarization (DEMIL) Procedures for Chemical Defense Equipment Items Containing Regulated Hazardous Waste".

C8.21.3. International Requirements.

C8.21.3.1. OCONUS DRMOs will follow DRMSI Policy Letter 99-3, DEMILitarization (DEMIL) Procedures for Chemical Defense Equipment, dated 4 August 1999.

C8.21.3.2. Elements in CDE kits that are regulated by host nation law will be managed as hazardous waste in accordance with the provisions of this chapter. The method of DEMIL is the actual disposal by the HW disposal contractor at a DOD approved OCONUS permitted disposal facility. Retrograde for disposal should only be considered if no local disposal options exist.

C8.21.3.3. Contracting Officer Representatives (CORs) can act as DEMIL certifiers for international DRMOs. Letters of appointment should be prepared for CORs in accordance with information contained in Section 2, Chapter 4 - DEMIL, as applicable.

C8.21.3.4. DRMOs Receiving FEPP (C1.8.1.3.), with the exception of Hawaii and Guam, will use the following DEMIL Certification Statement for CDE articles turned in for disposal:

Figure 6 - DEMIL Certification Statement for CDE Articles - DRMOs Receiving FEPP

"I certify that this property has been released for transportation to a permitted hazardous waste landfill or incinerator for ultimate disposal, according to applicable Final Governing Standards or Overseas Environmental Baseline Guidance Document (OEBGD) requirements, which will constitute DEMILitarization, based on approved OASD Memorandum, dated 2 March 90, Turn in and DEMILitarization (DEMIL) Procedures for Chemical Defense Equipment Items Containing Regulated Hazardous Waste."

C8.22. Precious Metals.

C8.22.1. General.

C8.22.1.1. Most products and materials that are taken into the precious metals program are not considered to be a hazardous waste. But, hazardous wastes that contain economically significant amounts of gold, silver, platinum, and other precious metals destined to be reclaimed, are defined by EPA as "recyclable materials" [40 CFR 261.6 (a)(1)]. DRMOs that generate or store such HW recyclable materials must comply with 40 CFR 266.70 and adhere to the following requirements:

C8.22.1.1.1. Meet RCRA notification requirements.

C8.22.1.1.2. Manifest HW that is to be reclaimed.

C8.22.1.1.3. Maintain records showing:

C8.22.1.1.3.1 Volume of HW recyclable material stored at beginning of calendar year.

C8.22.1.1.3.2 Amount of HW recyclable material generated or received during calendar year.

C8.22.1.1.3.3 Amount of HW recyclable material remaining at end of the year.

C8.22.1.2. The 75 Percent Rule.

C8.22.1.2.1. DRMOs that recycle 75 percent of recyclable materials accumulated during a calendar year are not involved in speculative accumulation. If a DRMO fails to recycle at least 75 percent of HW recyclable materials per year, it becomes subject to all applicable provisions of parts 262 through 265, 270, and 124 of 40 CFR.

C8.22.1.2.2. Accountable records, per paragraph C8.22.1.1.3., should be kept to demonstrate that the DRMO is not engaged in speculative accumulation. The records should show that 75 percent or more of the materials are recycled within a calendar year beginning on 1 January.

C8.22.2. Specific.

C8.22.2.1. *Silver Bearing Hypo Solution.* Spent hypo solution from photographic film processing is not eligible for recovery in the precious metals program. If a generating activity has containerized spent fixer, it should be received and managed as a hazardous waste. Exceptions to the manifesting requirements are granted in 40 CFR 261.5 to Conditionally Exempt Small Quantity Generators (CE-SQG).

C8.22.2.2. *Management of Steel Wool Silver Recovery Cartridge.* Spent steel wool cartridges (SCL P06) are usually filled with liquid before storage and transport to preclude the potential of fire (if there is too much steel wool left it may create heat during the time that it dries out).

C8.22.2.2.1. *Cartridges managed as hazardous material.* Spent steel wool cartridges that have been drained of all free liquids and/or that are dried are eligible for the precious metals program since they are economical for silver recovery. EPA views the product of silver recovery as sludge and it is excluded from the definition of solid waste, if it is destined for reclamation.

C8.22.2.2.2. *Cartridges managed as hazardous waste.* Spent steel wool cartridges that have free liquids are not eligible for the program since they are not economical for silver recovery. As it is not economical to recover the silver from the cartridges, they are not destined for reclamation and therefore considered to be a solid waste and should be managed as hazardous waste.

C8.22.2.3. *Passive Silver Cells.* Passive silver cells (SCL PSC) should be turned in dry. They are very economical to recover the silver from the sludge they contain, therefore, passive silver cells should not be managed as HW, unless otherwise dictated by state/local regulations. They must be drained and stored/shipped with no free liquids in order to retain this regulatory status.

C8.22.2.4. *Silver Flake*. Silver Flake (SCL VSF) is a very pure sludge generated from electrolytic recovery units. Final rule guidance in the Federal Register, Volume 50, No. 3, 4 Jan 85, states: “*Similarly, reclaimed metals that are suitable for direct use, or that only have to be refined to be a usable product, are themselves products and not wastes.*” The silver contained in the flake does not require further reclaiming before recovery is complete, it only needs to be further refined. Therefore, it is not solid waste and thus cannot be hazardous waste.

C8.22.2.5. *Film*. Used film and discarded unused film are solid wastes; however, film samples submitted for analysis to determine the toxicity of silver did not exhibit the characteristics of toxicity in accordance with 40 CFR 261.24, Table I. Therefore, film should not be managed as a HW and is eligible for the precious metals recycling program and is SCL P04.

C8.22.2.6. *Film Ash*. Film ash is a solid waste; however, samples submitted for analysis to determine the toxicity of the following metals: Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, and Silver, did not exhibit the characteristics of toxicity for any of the heavy metals in accordance with 40 CFR 261.24, Table I. Therefore, film ash should not be managed as a HW and is eligible for the precious metals program and is SCL P05.

C8.22.2.7. *Silver Bearing Batteries*. See Section 3, Batteries.

C8.22.2.8. *Dental Amalgam*. No longer processed for Precious Metals Recovery. See Section 3, Dental Amalgam.

C8.22.2.9. Additional precious metals guidance is contained in Section 2, Chapter 7, Scrap Program.

C8.22.2.10. Questions concerning the Precious Metals Program should be directed to DRMS-BCP, (DSN) 661-7071.

C8.22.3. International Requirements.

C8.22.3.1. DRMOs receiving hazardous waste precious metals-bearing materials must contact gaining CONUS DRMOs prior to any shipment of precious metals to verify that materials can be received. If materials cannot be received, the losing DRMO should contact DRMS-BCP for further guidance.

C8.23. **Storage Tanks.**

C8.23.1. General.

C8.23.1.1. DRMS provides disposal service for above ground storage tanks and underground storage tanks (UST) for DOD as defined in paragraphs C8.23.2 & C8.23.3. below.

C8.23.1.2. This chapter provides guidance in the following areas:

C8.23.1.2.1. Types of storage tanks and how they are regulated.

C8.23.1.2.1.1 Storage tanks which contain or contained the following:

C8.23.1.2.1.1.1 Non-regulated materials.

C8.23.1.2.1.1.2 RCRA hazardous waste.

C8.23.1.2.1.1.3 Regulated substances.

C8.23.1.2.1.2 Tanks which are eligible for the Defense Environmental Restoration Account (DERA) funding as part of Installation Restoration Program (IRP).

C8.23.1.2.1.3 Storage tanks that are not DERA funded.

C8.23.1.2.1.4 Empty tanks (underground and above ground).

C8.23.1.2.1.4.1 Funding determinations.

C8.23.1.2.1.4.2 Conditions for turn in.

C8.23.2. Specific.

C8.23.2.1. Categories of tanks that determine how tanks must be managed:

C8.23.2.1.1. **Category 1.** Tanks, including UST that are used to store hazardous waste, are regulated under 40 CFR Part 264/265 Subpart J.

C8.23.2.1.2. **Category 2.** UST that are used to store regulated substances are regulated under 40 CFR Part 280. UST under 40 CFR Part 280 are defined as any tank or series of tanks including underground piping that is used to store an accumulation of regulated substances and at least 10 percent of the volume is beneath the surface of the ground. Therefore, above ground tanks with underground piping could be defined as an UST. Regulated substances include: hazardous substance defined under CERCLA, petroleum, including crude oil or any fraction that is a liquid at standard temperatures and pressure, and petroleum based substances such as fuels, oils, lubricants, and solvents.

C8.23.2.1.3. **Category 3.** Exempted UST and non-regulated above ground tanks.

C8.23.2.1.3.1 The regulations for UST under 40 CFR Part 280 exempt certain tanks and tank systems. The following UST or tank systems are exempt from regulation under 40 CFR Part 280:

C8.23.2.1.3.1.1 Farm or residential tanks of 1,100 gallons or less capacity used for storing fuel for noncommercial purposes.

C8.23.2.1.3.1.2 Tanks used for storing heating oil on the premises where used.

C8.23.2.1.3.1.3 Septic tanks.

C8.23.2.1.3.1.4 Pipelines.

C8.23.2.1.3.1.5 Surface impoundments.

C8.23.2.1.3.1.6 Storm water or waste water collection systems.

C8.23.2.1.3.1.7 Flow-through process tanks.

C8.23.2.1.3.1.8 Storage tanks located in basements that are above the Ground.

C8.23.2.1.3.1.9 UST systems whose capacity is 110 gallons or less.

C8.23.2.1.3.1.10 Underground storage systems that contain a *de minimis* concentration of regulated substances.

C8.23.2.1.3.1.11 Emergency spill or overflow containment system that is expeditiously emptied.

C8.23.2.1.3.2 Above ground tanks that contain hazardous substances are not regulated under RCRA 40 CFR Part 280.

C8.23.2.2. *Use of DERA funds to pay for the disposal of UST.* Not all UST's are removed as part of an IRP. To be eligible for disposal under DERA, the tank must have been abandoned prior to 1984, contamination from leaks occurred prior to Mar 81, and has been confirmed to be leaking prior to 1 Mar 86. DERA funds can be used to dispose of any tank (HW tank, UST, exempted tank) as long as it meets the requirements above.

C8.23.2.3. *Other Funding.*

C8.23.2.3.1. Tanks and their contents that do not qualify for DERA funding must be disposed using the tank owner's funds, consistent with the DOD Comptroller's HM funding policy.

C8.23.2.3.2. If the contents of a tank consist of hazardous waste or a product that has no RTDS potential, the responsibility for funding is with the tank owner.

C8.23.2.3.3. If a tank and its contents contain a usable hazardous material, the tank owner may turn the tank in to the DRMO as a hazardous material for RTDS. If it fails RTDS, the service contract disposal costs are generating activity-funded.

C8.23.3. Conditions for Turn in.

C8.23.3.1. Empty tanks that are appropriately cleaned and purged can be turned in to the DRMO as a usable item or scrap. The definition of an empty container in 40 CFR 261.7 ("one inch" rule) does not apply to tanks.

C8.23.3.2. If a tank (underground or above) was used to store hazardous waste, the tank must be cleaned in accordance with 40 CFR 264/265.197. The DTID should contain a statement certifying that the “tank has been cleaned in accordance with 40 CFR 264/265.197”.

C8.23.3.3. An underground storage tank containing regulated substances must be cleaned in accordance with 40 CFR 280.71. The DTID should contain a statement certifying that the “tank has been cleaned in accordance with 40 CFR 280.71”.

C8.23.3.4. Exempt UST or non-regulated above ground tanks must be cleaned in a similar manner as regulated tanks. Standards require that tanks be pumped, sludge/s/residues removed, rinsed and/or purged. The American Petroleum Institute has developed and published recommended cleaning practices and procedures for regulated and non-regulated UST and above ground tanks (see listing of these incorporated in 40 CFR Part 280.71).

C8.23.3.5. UST which are part of IRP and DERA funded, or tanks which have held or hold RCRA HW, which the generating activity intends to discard, should be turned in as follows:

C8.23.3.5.1. Physical custody remains with the generating activity. C8.23.3.5.2.

Generating activity provides funding for disposal service. C8.23.3.5.3.

Generating activity provides sufficient advance notification to allow placement on a DRMS contract; i.e., one time or modification to an existing contract.

C8.23.3.5.4. Generating activity makes tank accessible to the contractor. (DRMS will not contract for excavation or site restoration.)

C8.23.3.5.5. Preparations required for tank disposal; e.g., emptying contents, cleaning, cutting, filling will be identified by the generating activity. The DRMS contract will be written to reflect the required services. (The DRMO should ensure the generating activity is aware that the more the generating activity is willing to do; e.g., emptying, cleaning, and purging, the less the contract costs will be.)

C8.23.4. Questions.

C8.23.4.1. Questions concerning policy and procedures for storage tanks should be directed to DRMS-BCP, (DSN) 661-7075.

C8.23.5. Sales.

C8.23.5.1. When underground storage tanks are available and referred for sale, the instructions contained within Section 2, Chapter 6, Sales Program, apply.

C8.24. **Clean Air Act (CAA).**

Amendments of 1990 - Protection of the Stratospheric Ozone.

C8.24.1. General.

C8.24.1.1. *Purpose:* The purpose of this chapter is to explain how the Clean Air Act (CAA) Amendments of 1990 and USEPA regulations implementing the CAA impact compliance of DRMS" excess property disposal mission for the DOD, when DRMS receives certain types of property containing ozone depleting substances regulated under CAA.

C8.24.1.2. *Authority:* The 1990 Clean Air Act (CAA) amendments require that certain substances which have destructive effects on the ozone layer, chlorofluorocarbons (CFCs), carbon tetrachloride, methyl chloroform and hydrochlorofluorocarbons (HCFCs), *not be vented* to the environment and be phased out from production and use over an extended period of time.

C8.24.1.2.1. Section 608 of the Clean Air Act (CAA) prohibited venting Class I and II Ozone Depleting Substances (ODS) as of July 1, 1992, and requires recycling and safe disposal of such substances.

C8.24.1.2.2. Section 609 of the CAA mandated regulations preventing the release of motor vehicle refrigerants. It also restricted the sale of small containers (20 lbs. or less) of Class I and II refrigerants except to certified technicians.

C8.24.1.2.3. Section 610 of the CAA bans certain products that release ozone-depleting substances; it specifically targets products that are defined as "nonessential" and prohibits any person from selling or distributing the listed products in interstate commerce.

C8.24.1.2.4. Section 611 of the CAA establishes a tiered schedule for labeling of products containing or manufactured with Class I or II (ODS).

C8.24.1.3. Applicable Regulations:

C8.24.1.3.1. 40 CFR 82, Protection of the Stratospheric Ozone. Federal regulatory requirements summarized in this chapter may be accessed at www.epa.gov. Click on laws and regulations and type in the part or specific citation of the regulation to access. U.S. EPA has a special section on ozone issues at www.epa.gov/ozone.

C8.24.1.3.2. Appendices at 40 CFR 82. Listings of regulated Class I or Class II ODS are posted on at www.epa.gov.

C8.24.1.3.2.1 Appendix A to Subpart A, Class I Controlled Substances.

C8.24.1.3.2.2 Appendix B to Subpart A, Class II Controlled Substances.

C8.24.1.3.2.3 Appendix F to Subpart A, Listing of Ozone Depleting Chemicals.

C8.24.1.3.3. Refer to the applicable part of the regulation 40 CFR 82 for specific regulatory definitions, language and effective dates for compliance when applying regulatory requirements to the RTDS and disposal process. This chapter only summarizes the general intent and requirements of the regulation.

NOTE: International DRMOs - OEBGD/FGS and host nation regulations apply.

C8.24.1.3.4. DOD policy and procedures can be found in DOD 4160.21-M, Chapter

10, Ozone Depleting Substances.

C8.24.1.3.5. U.S. EPA ODS HOT LINE: 1-800-296-1996 (Stratospheric Ozone Information - open between 10:00 a.m. and 4:00 p.m. Eastern Standard Time) or e-mail: hotline@tidalwave.net. Questions concerning this chapter may be addressed to DRMS-BE (DSN) 661-5877.

C8.24.2. DOD Class I and II ODS Reserve.

C8.24.2.1. The Defense Logistics Agency (DLA) has been assigned the DOD mission of managing the Defense Reserve of ODS for the DOD. This Reserve supports the Military Services mission critical requirements for CFCs and Halons.

C8.24.2.2. DOD policy requires that the Military Services recover or reclaim Class I or Class II ODS for banking at the DOD ODS Reserve and return them to Defense Supply Center Richmond (DSCR) under current MILSTRIP Document Identifier procedures.

C8.24.2.3. DOD components shall return to the DOD Reserve excess CFCs and Halons as described and listed in DOD 4160.21-M, Chapter 10. The DRMOs will not accept for RTDS any excess CFCs or Halons, which should go back to the Reserve. Some types of ODS recovery cylinders shall also be returned directly to the Reserve by the Military Services and shall not be turned-in to the DRMO. (See Section 3, of this manual, under Ozone Depleting Substances, for additional information and turn in procedures).

C8.24.2.4. Additional guidance can be found in this manual at Section 3, (ODS) Ozone Depleting Substances.

C8.24.2.5. For additional information about the DOD ODS Reserve's policies and procedures, call DSCR at commercial (804) 279-5203/4525 or (DSN) 695-5203/4525. For additional information about the Reserve's requirements, as they affect DRMS procedures, call DRMS-BE (DSN) 661-5877.

C8.24.3. Explanation of Regulations as Applicable to DRMS/DRMO Operations.

C8.24.3.1. The regulations at 40 CFR Part 82 cover various categories of compliance areas and each part outlined below summarizes the various but distinct parts relating to compliance that may apply to DRMO operations.

C8.24.3.1.1. Requirements for Motor Vehicle Air Conditioners (MVAC) (40 CFR 82.30-42).

C8.24.3.1.1.1 The CAA regulations cover MVACs under two parts of the regulation. One pertains to facilities that repair or service MVACs or dismantle them and requires these facilities to certify that they are using approved/certified equipment and certified technicians (Type II certification) to repair, service, recover refrigerants from MVACs. This is a DOD generator responsibility not a DRMO responsibility. *DRMO personnel do not service or repair or recover refrigerants from motor vehicle air conditioners or any kind of refrigeration equipment or appliance.*

C8.24.3.1.1.2 DRMOs may receive used motor vehicles with MVACs still containing the refrigerant for purposes of RTDS; however, another part of the regulation, at 40 CFR 82.156, covers the safe disposal of MVACs in vehicles, if the vehicle goes to or is turned-in as scrap. This part of the regulation requires the prior recovery of the refrigerant from the MVAC before sending the vehicle to scrap, as it does for refrigeration equipment and appliances before they are scrapped or landfilled. (See Section 3, Vehicles).

C8.24.3.1.2. *MVAC refrigerant - sale or distribution.* The regulation cited above states that it is illegal to sell or distribute containers with less than 20 pounds of Class I or II substances suitable to use as a motor vehicle refrigerant to anyone other than a certified technician.

C8.24.3.1.3. *Wholesale seller requirements.* For purposes of sale, sellers need to obtain a signed statement from buyers stating that the containers are for resale only. This statement must show the purchaser's name and business address. The signed certification statement from the purchaser must be kept for 3 years by the seller and must be available to EPA upon request.

C8.24.3.1.4. DRMS would qualify as a wholesaler, if the above products (those not required by the ODS Reserve) are sold to qualified buyers (e.g., refrigeration technicians). Therefore, the purchaser must qualify and provide a certification statement and the statement must be retained for 3 years in the sales file.

C8.24.4. Products with Class I or Class II ODS Banned as "Non-Essential Products". Under USEPA Regulations. (Reference: 40 CFR 82.60-70).

C8.24.4.1. Summary of the Regulation.

C8.24.4.1.1. The regulation lists specific products, which are manufactured using Class I and II substances, and lists them as "non-essential" and prohibits or bans their sale or distribution. Products defined as "non-essential" are listed in paragraphs C8.24.2.3. and C8.24.4.2.4. below.

NOTE: Refer to the applicable parts of the regulation for specific regulatory language and effective dates for compliance.

C8.24.4.1.2. Definitions pertinent to this regulation are at Section 4, Supplement 2, Chapter 8, Enclosure 17.

C8.24.4.1.3. Some products are exempted from the "ban". See list of Exemptions at Section 4, Supplement 2, Chapter 8, Enclosure 16. For products exempted from the "ban" that can go for sale and distribution under certain conditions of exemption.

C8.24.4.2. Turn in and RTDS Instructions

C8.24.4.2.1. Generating activities are required to identify Class I or II non-essential products on the DD Form 1348-1A and fund for disposal, if the property cannot go to RTDS or must go directly to disposal.

C8.24.4.2.2. The DRMO shall not RTDS Class I or II excess property that is regulated as a non-essential product, unless it is exempt from the regulation and commercial buyers can meet the conditions of exemption. See Section 4, Supplement 2, Chapter 8, Enclosure 16, for products exempted and the condition of exemption.

C8.24.4.2.3. Non-essential Class I products and exceptions (40 CFR 82.66).

C8.24.4.2.3.1 Plastic party streamer or noise horn, which is propelled by a CFC, including, but not limited to: string confetti, marine safety horns, sporting event horns, personal safety horns, wall-mounted alarms used in factories or other work areas, and intruder alarms used in homes and cars.

C8.24.4.2.3.2 CFC containing cleaning fluids for noncommercial electronic and photographic equipment, including but not limited to, liquid packaging, solvent wipes, solvent sprays, and gas sprays. Except for those sold or distributed to a commercial purchaser (see Section 4, Supplement 2, Chapter 8, Enclosure 16).

C8.24.4.2.3.3 Foams made with a Class I substance, such as any plastic flexible or packaging foam product that is manufactured with or contains a CFC, except for flexible or packaging foam used in coaxial cable.

C8.24.4.2.3.4 Aerosol products or other pressurized dispensers, which contain a CFC including, but not limited to, household, industrial, automotive and pesticide uses. Except for:

C8.24.4.2.3.4.1 Certain medical devices.

C8.24.4.2.3.4.2 Lubricants, coatings or cleaning fluids for electrical or electronic equipment containing CFC-11, CFC-113, or CFC-12, but contain no other CFCs, for solvent purposes.

C8.24.4.2.3.4.3 Lubricants, coatings or cleaning fluids for aircraft maintenance containing CFC-11 or CFC-113, but which contain no other CFCs.

C8.24.4.2.3.4.4 Mold release agents containing CFC-11 or CFC-113.

C8.24.4.2.3.4.5 Spinnerette lubricant/cleaning sprays containing CFC-114.

C8.24.4.2.3.4.6 Containers of CFCs used in plasma etching.

C8.24.4.2.3.4.7 Document preservation sprays containing CFC-113.

C8.24.4.2.3.4.8 Red pepper bear repellent sprays containing CFC-113.

C8.24.4.2.4. Non-essential Class II products and exceptions (40 CFR 82.66)

C8.24.4.2.4.1 Aerosol or other pressurized dispenser products which contain a Class II substance including, but not limited to, household, industrial, automotive and pesticide uses, and foams made with Class II substances.

C8.24.4.2.4.2 Class II exceptions include:

C8.24.4.2.4.2.1 Certain medical devices.

C8.24.4.2.4.2.2 Certain lubricants, coatings and cleaning fluids.

C8.24.4.2.4.2.3 Mold release agents.

C8.24.4.2.4.2.4 Portable fire extinguishers.

C8.24.4.2.4.2.5 Wasp and hornet sprays.

C8.24.4.2.4.2.6 Electronic and photo equipment aerosol cleaning fluids sold to commercial purchasers.

C8.24.4.2.4.2.7 Plastic foam products.

C8.24.4.2.4.2.8 Integral skin foam utilized to provide motor vehicle safety until January 1, 1996.

C8.24.4.2.5. *Verification* (40 CFR 82.68)

C8.24.4.2.5.1 *Commercial Use*. (See Section 4, Supplement 2, Chapter 8, Enclosure 17) for definition of “commercial”). If a sale is made for commercial use the regulation requires the commercial user to have one of the following identification numbers:

C8.24.4.2.5.1.1 A Federal employer identification number.

C8.24.4.2.5.1.2 A state sales tax exemption number.

C8.24.4.2.5.1.3 A local business license number.

C8.24.4.2.5.1.4 A government contract number.

C8.24.4.2.5.2 The commercial user must provide documentation to verify they are a commercial entity. The seller or distributor must have a reasonable basis for believing that the documentation presented by the purchaser is accurate.

C8.24.4.2.5.3 The above documentation should be maintained in the sales files.

C8.24.4.2.6. *Display Sign and Written Notification for Sale* (40 CFR 82.68)

C8.24.4.2.6.1 Class I or II cleaning fluids for electronic or photographic equipment, also if in aerosol containers; or any portable fire extinguisher, and mold release agents containing a Class I substance as a propellant. Or, any wasp or hornet spray containing a Class II substance.

C8.24.4.2.6.2 Sellers must display a sign where sales occur, notifying purchasers of the penalty which could be imposed on the purchaser (\$25,000), if the purchaser does not meet the regulatory requirement to purchase specific CFC or HCFC items listed in the regulation. The sign must be displayed in such a manner that it is visible.

C8.24.4.2.6.3 Written notification may be placed on sales brochures, order forms, invoices and the like, such as Invitation for Bid (IFBs), Sales Articles, etc. Written notifications should be maintained in the sales files.

C8.24.4.2.7. *“Self-executing” Ban for Class II Products.* The ban on similar types of products listed above that have Class II substances is self-executing. U.S. EPA, therefore, is not required to promulgate regulations on the ban of non-essential Class II products.

C8.24.5. Labeling of Manufactured Products or Containers Containing ODS.
Reference: 40 CFR 82.100-124.

C8.24.5.1. *Summary of the Regulation.* All containers and products containing Class I and II substances listed in Appendix D of the Montreal Protocol must bear a warning label. This includes:

C8.24.5.1.1. Containers in which a Class I or II substance is stored or transported.

C8.24.5.1.2. Products containing a Class I substance.

C8.24.5.1.3. Products directly manufactured with a process that uses a Class I substance, unless otherwise exempted.

C8.24.5.1.4. Labels are required for products made with or containing a Class II substance after May 15, 1993, only if EPA has determined safe alternatives are available. Otherwise, the requirements to label products made with Class I substances do not go into effect until January 1, 2015.

C8.24.5.1.5. See Key Definitions at Section 4, Supplement 2, Chapter 8, Enclosure 18, and Section 4, Supplement 2, Chapter 8, Enclosure 19 for Sample Warning Labels.

NOTE: Containers that store and transport a Class I or II substance are regulated for labeling as of May 15, 1993. Refrigeration equipment and appliances do not meet the definition of a container or a container containing under this rule, but most manufacturers have a label or data plate on such items indicating the type of refrigerant in the item. Labeling of refrigeration equipment and appliances is a

manufacturer's requirement for products manufactured after May 15, 1993 if manufactured prior to that date they are grandfathered.

C8.24.5.2. Turn in and RTDS Instructions To Comply with CAA Labeling Rule. Excess ODS property must bear the appropriate container or manufacturer's warning label at turn in, if required by the regulation. But, please read the instructions below explaining how and when this may or may not apply to DRMO turn ins.

C8.24.5.3. Labeling of Manufactured Products.
(40 CFR 82.114 and 82.116)

C8.24.5.3.1. Generally DRMOs do not have to be concerned with the "manufactured products" label. The regulation places the responsibility on the manufacturer for labeling new products, which contain ODS after May 15, 1993. Products manufactured prior to, do not require the manufacturer's label. DRMO personnel do not have to look for or search for the manufacturer's label as explained below.

C8.24.5.3.2. Manufactured products currently in the DRMO inventory or those presently being turned-in by the generating activity, which were manufactured prior to May 15, 1993, are not subject to the product labeling requirements.

C8.24.5.3.3. The U.S. EPA places responsibility on the manufacturer to prove that the manufactured product does not require labeling. Therefore, if regulatory questions arise regarding product labeling, U.S. EPA must contact the manufacturer (40 CFR 82.102). Also see paragraph C8.24.5.3.5. below.

C8.24.5.3.4. Compliance by wholesalers, distributors and retailers. (40 CFR 82.118). For ODS products manufactured after May 15, 1993, it is required that wholesalers, distributors and retailers (i.e., DRMOs), provide all labeling information on the product or container to the consumer. Generally, this means that DRMOs should not remove any such labeling; however, the DRMOs are **not required** to check for or to "re-label" a manufactured product.

C8.24.5.3.5. "Reliance on reasonable belief" (40 CFR 82.118). The regulation allows for "reliance on reasonable belief" that the ODS product was labeled by the manufacturer. For RTDS purposes, DRMS-DG, interpreted the "reliance on reasonable belief" requirement as follows:

C8.24.5.3.5.1 DRMOs may rely on the labeling information that is received with the turn in of the excess DOD products, and are not required to independently investigate whether the labeling requirements are applicable to the specific product.

C8.24.5.3.5.2 The DOD procurement system has the direct contractual relationship with suppliers of these products and through its procurement requirements ensures products sold to DOD comply with Clean Air Act requirements.

C8.24.5.3.5.3 This allows DRMOs to apply the “reasonable belief” provision that the supplier to DOD of the product or container is reliably and accurately complying with the labeling requirement. There is no need to go back to the procurement and supply system to determine if an ODS containing product was labeled by the manufacturer.

C8.24.5.4. Labeling Containers or Containers Containing.

C8.24.5.4.1. Turn in of containers or containers containing is a part of the regulation that may be more applicable to DRMO operations if DRMOs receive the type of property described below.

C8.24.5.4.2. A label is required on containers of Class I or II substances to be recycled or reclaimed.

C8.24.5.4.3. *Exemption.* USEPA final rule published in Federal Register Volume 60, January 19, 1995, page 4010. A warning label is no longer required on containers holding Class I or II ODS or wastes containing trace amounts of ODS when these wastes are discarded or destroyed. This exemption applies only to disposal actions (i.e., incineration, energy recovery, or landfill). This exemption does not apply to containers holding unused, or recycled or reclaimed ODS.

C8.24.5.4.4. *Empty containers.* Containers that previously contained an ODS, which has been removed from the container and the container is recycled, do not require a label. For example, a drum or cylinder from which ODS has been removed does not require a warning label.

NOTE: There is no definition of “empty” under the Clean Air Act or this instruction comparable to the Resource Conservation and Recovery Act (RCRA).

C8.24.5.4.5. Refrigerant recovery cylinders and drums containing recovered CFCs or HCFCs must have a warning label for storage and for transportation in interstate commerce.

C8.24.5.4.6. Containers include only the “immediate” vessel in which a controlled substance is stored or transported. Containers or vessels for transporting a product containing or container containing an affected substance do not have to be labeled.

C8.24.5.4.7. Labels may be ordered through commercial companies that print and distribute labels for regulated products.

C8.24.5.5. Label Requirements - Warning Statement, Placement, Form Size, and Removal Prohibitions (40 CFR 82.106-112).

C8.24.5.5.1. The signal word “**WARNING**” must be in capital letters. The *warning statement* must read as follows:

C8.24.5.5.1.1 *“WARNING: Contains (or manufactured with, if applicable) (insert name of substance), a substance which harms public health and the environment by destroying ozone in the upper atmosphere.”*

C8.24.5.5.2. The warning statement (label) must be substance specific. The standard chemical name of the substance must be used as listed in 40 CFR Part 82, Subpart A, Appendix A, except that the acronyms CFC and HCFC may be used. For example, CFC-12 Dichlorofluoromethane. But, do not use only CFC-12. Also, do not use trade names such as *“Freon”*.

C8.24.5.5.3. More than one substance. When a container or product contains or is manufactured with more than one ODS, only one label is required, but that label must state all the relevant substances.

C8.24.5.5.4. Type size. Reasonably related to the type size of any other printing appearing in the same panel (40 CFR Part 82.110).

C8.24.5.5.5. Placement. The warning label can be placed on any packaging display panel, on any side of the product package or containers as long as it is “clearly legible and conspicuous”.

C8.24.5.5.6. Products without a display panel or area. The warning could be printed on:

C8.24.5.5.6.1 A hang tag, tape, card, sticker, invoice, bill of lading, or other overlabeling securely attached to the container or product.

C8.24.5.5.6.2 A display case or packaging.

C8.24.5.5.6.3 Supplemental printed materials prepared by the manufacturer, such as a material safety data sheet (MSDS). EPA does not, however, allow the warning merely to appear in a catalogue.

C8.24.5.5.7. Prohibitions.

C8.24.5.5.7.1 The U.S. EPA prohibits statements that a product may contain or was manufactured with ODS. The warning label must be definite and substance specific.

C8.24.5.5.7.2 The U.S. EPA also prohibits wholesalers, distributors and retailers (i.e., DRMOs) from removing warning labels from products they purchase or distribute, including repackaging.

C8.24.5.5.7.3 The label must be on a product when the product enters interstate commerce.

C8.24.5.5.8. Penalties. If the warning label is purposely removed or the wholesaler or retailer fails to pass on the warning statement, the violator can receive civil penalties.

C8.24.6. Refrigerant Recycling Rule - Summary/.

C8.24.6.1. Reference: 40 CFR 82.150-166.

C8.24.6.2. DOD 4160.21-M, Chapter 10.

C8.24.6.3. See Section 3, Refrigeration Equipment and Appliances, for turn in instructions and additional information, also Refrigerant Study Period #59
<https://www.drms.dla.mil/drms/intranet/training/training.htm>

C8.24.6.3.1. Summary of the Regulation. The regulation establishes recovery and recycling requirements for ozone-depleting refrigerants recovered during the servicing and disposal of air-conditioning and refrigeration equipment. Together with the prohibition on venting during servicing, repair and disposal of Class I and II substances that were effective on July 1, 1992, this regulation is designed to substantially reduce emissions of ozone-depleting refrigerants. Violations can result in civil or criminal penalties and fines.

C8.24.6.3.2. Service practice requirements. Technicians servicing and disposing of air conditioning and refrigeration equipment and appliances must observe certain service practices that reduce refrigerant emissions. The most fundamental of these practices is the requirement to recover refrigerant rather than vent it to the atmosphere.

NOTE: DRMO personnel are not trained technicians. DRMO personnel do not service, maintain, repair or recover refrigerants from appliances containing refrigeration components or refrigerants. Therefore, the DRMO is not subject to the technician training and certification requirements or to the certified recovery equipment requirement.

C8.24.6.3.3. Technician repair. Technicians repairing small appliances, such as household refrigerators, are required to recover 80-90 percent of the refrigerant in the system. Refrigerant that is recovered is returned to the same system or other systems owned by the same person.

C8.24.6.3.4. Equipment and recycler certification. Establishes a certification program for recovery and recycling equipment that requires recovery efficiency standards.

C8.24.6.3.5. Refrigerant leaks. This generally excludes household appliances and small refrigerant charges. This applies to owners of commercial refrigeration and industrial process refrigeration equipment with charges greater than 50 pounds to repair a leak within 30 days and keep records.

C8.24.6.3.6. Mandatory technician certification. Establishes a technician certification program that requires technicians to pass an EPA-approved test to become certified. Certification is available in four categories.

C8.24.6.3.7. Refrigerant sales restriction (40 CFR 82.154(h)). No person may sell, distribute or offer for sale Class I or II substances for use as a refrigerant to any person unless: (See NOTE below).

C8.24.6.3.7.1 The buyer is a certified technician under the refrigerant recovery and recycling regulations.

C8.24.6.3.7.2 The buyer is a certified technician under the Motor Vehicle Air Conditioning (MVAC) servicing regulations.

C8.24.6.3.7.3 The refrigerant is sold only for eventual resale to certified technicians or to appliance manufacturers, including by a manufacturer to a wholesaler and by a technician to a reclaimer.

C8.24.6.3.7.4 The refrigerant is sold to an appliance manufacturer.

C8.24.6.3.7.5 The refrigerant is contained in an appliance.

C8.24.6.3.7.6 The refrigerant is charged into an appliance by a certified technician during maintenance, service or repair.

C8.24.6.3.8. Additionally, any refrigerant that is sold (changes ownership) must be reclaimed to a level of purity and analyzed to meet the standard of purity set forth in ARI 700, Specifications for Fluorocarbon Refrigerants. This is to ensure it can be used safely in any refrigeration equipment.

NOTE: DRMOs shall not receive or sell unused or recovered refrigerant unless it is first determined, through DRMS-BCP, that the specific refrigerant is not needed by the DOD ODS Reserve; except when the refrigerant is contained in an appliance, Motor Vehicle Air Conditioner (MVAC) or other type's refrigeration equipment which are processed for RTDS.

C8.24.6.3.9. Safe disposal requirement (40 CFR Part 82.156(f)). Applies to refrigeration equipment and appliances that may be turned-in to a DRMO as scrap.

C8.24.6.3.9.1 EPA's regulation differentiates between equipment typically dismantled onsite and equipment that enters the waste stream with the refrigerant intact. Equipment that is typically dismantled onsite before disposal (such as retail food refrigeration, cold storage warehouse refrigeration, chillers and industrial process refrigeration) must have the refrigerant removed in compliance with EPA's servicing requirements. Equipment which enters the waste stream with the charge intact (such as MVACs, household refrigerators and freezers,

and room air conditioners) is subject to “safe disposal” which requires that the final person in the disposal chain (such as, the scrap dealer or, landfill) is responsible for:

C8.24.6.3.9.1.1 Notifying “up the chain” to suppliers of appliances that the refrigerant must be properly removed before delivery of scrap items to a scrap dealer or landfill.

C8.24.6.3.9.1.1.1 The form of this notification may be warning signs, letters to suppliers, or other equivalent means.

C8.24.6.3.9.1.1.2 DOD/DRMS/DRMO notification to DOD suppliers (e.g., generators/turn in activities) is in the form of policy and procedures in DOD 4160.21-M, Chapter 10.

C8.24.6.3.9.1.1.3 DRMS/DRMO customer guidance on the world wide web, Customer Service Handbook, or DRMO memoranda to DOD activities, are additional forms of notification, if needed.

C8.24.6.3.9.1.1.4 Scrap dealers or landfill operators must notify their customers (up the chain, for example a DRMO) whether or not the scrap dealer or landfill requires the refrigerant removed or if the scrap dealer or landfill can accept the equipment/appliance with the refrigerant still in it.

C8.24.6.3.9.1.2 Ensuring that refrigerant is recovered from small appliances, room air conditioners, MVACs, or MVAC-like appliances before final disposal of the equipment by:

C8.24.6.3.9.1.2.1 Recovering the refrigerant to specified levels.

C8.24.6.3.9.1.2.2 Obtaining a signed statement from the person from whom the appliance is obtained that all refrigerants have been recovered to specified levels, including the name and address of the person who recovered the refrigerant, and the date the refrigerant was recovered. See DRMS Form 2016, Refrigerant Removal Statement, or equivalent statement.

C8.24.6.3.9.2 This regulation does not affect the servicing of MVACs, but does apply to their “safe” disposal. U.S. EPA has published separate requirements at 40 CFR Parts 82.30-42 on servicing MVACs.

C8.24.6.3.9.3 Service apertures and process stubs. Air conditioning and refrigeration equipment except for small appliances and room air conditioners must be provided with a servicing aperture that would facilitate recovery of the refrigerant. Small appliances will require a process stub for easy access.

C8.24.6.3.9.3.1 This requirement and effective date apply to manufacturers of appliances and small appliances.

C8.24.6.3.9.3.2 There is no requirement for retrofitting appliances manufactured prior to November 15, 1993, with service apertures or stubs. The aperture or stub requirement does not impact property presently in the DRMO inventory. These can be processed for RTDS.

C8.24.6.3.9.3.3 By appliance, EPA is referring to any device that contains and uses a Class I or II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller or freezer (see Section 3 - Refrigeration Equipment).

NOTE: Turn in Requirement for RTDS and Final Disposal of Refrigeration Equipment and Appliances are at Section 3 of this manual.

C8.24.7. Transportation of Refrigerant Gases or Liquids.

C8.24.7.1. The Department of Transportation (DOT) regulates shipments of refrigerant gases and refrigeration machines that contain flammable liquids, or flammable and nonflammable gases, transported in commerce.

C8.24.7.2. The 49 CFR 172.101, Hazardous Materials Table (HMT), lists the chemical name of specific refrigerants regulated for transportation. Also, see 49 CFR 172.101(k)(3) for "not otherwise specified (N.O.S.)" shipping name for refrigerant gases that are hazardous materials for transportation.

C8.24.7.3. Ordinary refrigeration equipment or appliances, such as refrigerators, freezers, air conditioners, humidifiers, water coolers, and others, are not regulated for transportation since they do not contain a hazardous material refrigerant.

C8.24.8. Refrigerant Contaminated Compressor Oil.

C8.24.8.1. Refrigerant-contaminated compressor oil from refrigerated equipment may contain residual halogenated substances that cause it to exceed 4,000 ppm CFC concentrations.

C8.24.8.2. Used oils contaminated with CFCs are not RCRA hazardous on the condition that:

C8.24.8.2.1. They are not mixed with other waste.

C8.24.8.2.2. They are subjected to CFC recycling or reclamation.

C8.24.8.2.3. They are not mixed with used oils from other sources.

C8.24.8.3. Presently, USEPA does not require that the halogenated substances be recovered from refrigerant-contaminated compressor oil to comply with the refrigerant recycling rule, although such requirements could be issued in the future.

C8.24.8.4. The high concentrations of these halogenated substances, however, places the management of residual compressor oil as a waste subject to the Resource Conservation and Recovery Act (RCRA), which establishes requirements on the handling, storage and disposal of used oil contaminated with halogenated compounds.

C8.24.8.5. Refrigerant-contaminated compressor oil will be managed under RCRA, Rebuttable Presumption for Used Oil, as outlined at 40 CFR Parts 279.10(b)(ii)(B) and 279.44(c)(2) and (d).

C8.24.8.6. The regulation exempts from the “rebuttable presumption” refrigerant-contaminated compressor oil removed from refrigeration equipment **only** with refrigerants (CFCs) and **not mixed** with used oil from other sources, if the CFCs are destined for reclamation.

C8.24.8.7. If the CFCs in the compressor are not destined for reclamation, manage the oil as a hazardous waste.

C8.24.8.8. The “rebuttal presumption” does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

C8.24.9. Funding for Disposal.

C8.24.9.1.1. Containers or equipment containing Class I or II ODSs turned-in for immediate ultimate disposal (thus by-passing RTDS) via the existing hazardous waste disposal service contract require the funding data as outlined in paragraph C9.8.

C8.25. **Transportation.**

C8.25.1. General

C8.25.1.1. Major Provisions. We have listed the major provisions in applying DOT requirements to HM/HW shipments; however, we have not listed every applicable rule. Therefore, DRMOs are advised to apply applicable DOT requirements to their shipments.

NOTE: International DRMOs - Marking, labeling, placarding and manifesting shall be accomplished in accordance with the DODI 4715.05, Overseas Environmental Baseline Guidance Document (OEBGD) or the Final Governing Standards (FGSs), where issued, host nation and international regulations. Storage and handling of hazardous materials will adhere to DOD Component policies, including Joint Service Publication on Storage and Handling of Hazardous Materials. DLAI 4145.11, TM 38-410, NAVSUP PUB 573, AFJMAN 23-209, and MCO 4450.12A (reference (5)) provide additional guidance on the storage and handling of hazardous materials. The International Maritime Dangerous Goods (IMDG) Code and appropriate DOD and component instructions provide requirements for international maritime transport of hazardous materials originating from DOD installations. International air shipments of

hazardous materials originating from DOD installations are subject to International Civil Air Organization Rules or DOD Component guidance including the Joint Service Publication Preparing Hazardous Materials for Military Shipments, AFJM 24-204(I), TM 38-250, NAVSUP 505, MCO P4030.19I, and DCMAD1, Ch 3.4 (HM24).

C8.25.1.2. Performance-Oriented Package (POP) Standard.

C8.25.1.2.1. The final rule published in the Federal Register (55 FR 52402), dated 21 December 1990, revised the Hazardous Materials Regulations (HMR). This new rule was known as the Performance-Oriented Packaging (POP) Standards. The effective date of the rule was 1 October 1991.

C8.25.1.2.2. Major provisions of this new rule included:

C8.25.1.2.2.1 Requirement to manufacture and use performance-oriented packaging (POP) for the shipment of hazardous material (HM).

C8.25.1.2.2.2 Changes in hazard class definition and designation.

C8.25.1.2.2.3 Changes in hazard communication (shipping descriptions, marking, labeling, placarding).

C8.25.1.2.2.4 Revision of the Hazardous Materials Table (HMT).

C8.25.1.2.3. The rule also provided specific transitional provisions for implementing certain requirements (49 CFR 171.14).

C8.25.2. DOT Basic Description.
(49 CFR 172.202).

C8.25.2.1. The DOT basic description includes four (4) components, which must be entered on the manifest in the following order:

C8.25.2.1.1. Proper shipping name.

C8.25.2.1.2. Hazardous class/division.

C8.25.2.1.3. DOT identification number.

C8.25.2.1.4. Packing group, (may be preceded by letters "PG".)

C8.25.2.2. Information for the DOT description may be obtained from several sources:

C8.25.2.2.1. The manifest, for hazardous waste shipped from an off-site generating activity.

C8.25.2.2.2. The Material Safety Data Sheet (MSDS) or Hazardous Waste Profile Sheet (HWPS).

C8.25.2.2.3. The transportation section in the Hazardous Material Information Resource System (HMIRS).

C8.25.2.2.4. The package markings and/or labels may provide specific information to assist in determining the basic description.

C8.25.2.2.4.1 Whenever any of the above sources are used to determine the basic description, always attempt to verify its accuracy.

C8.25.3. Hazard Materials Table.
(49 CFR 172.101).

C8.25.3.1. If the basic description cannot be located on any existing materials, or verified, use the Hazardous Materials Table (HMT) found in 49 CFR 172.101. Use the entry in the table that most appropriately describes the HM, using the following hierarchy:

C8.25.3.1.1. Technical (chemical) name (e.g., Acetone).

C8.25.3.1.2. Chemical Family (e.g., alcohol).

C8.25.3.1.3. Application (usage) name (e.g., Paint).

C8.25.3.1.4. N.O.S. name (e.g., Flammable Liquid, n.o.s.).

C8.25.3.1.4.1 Once a proper shipping name has been selected, the rest of the basic description is obtained by reading horizontally across the HMT.

C8.25.3.2. Hazardous Materials Descriptions and Proper Shipping Names.
(49 CFR 172. 101(c)).

C8.25.3.2.1. The basic description must be legible and printed in English.

C8.25.3.2.2. Whenever a hazard class and an ID number are used in association with the description of a material, that material must be a HM; i.e., a DOT basic description for non-HM cannot be used.

C8.25.3.2.3. Shipping names may be used either in the singular or plural (e.g., “battery, wet, filled with acid” or “batteries, wet, filled with acid” and in either capital or lower case letters.)

C8.25.3.2.4. The abbreviations “**n.o.i.**” (not otherwise indexed) or “**n.o.i.b.n.**” (not otherwise indexed by name) may be used interchangeably with “**n.o.s.**” (not otherwise specified).

C8.25.3.2.5. When a shipping name includes a concentration range as part of the shipping description, the actual concentration being shipped, if it is within the range stated, may be used in place of the concentration range. For example, a hydrogen peroxide solution containing 30 percent peroxide may be shipped as either **“Hydrogen peroxide, aqueous solution with not less than 20 percent, but not more than 40 percent hydrogen peroxide”** or **“Hydrogen peroxide, aqueous solution with 30 percent hydrogen peroxide.”**

C8.25.3.2.6. The use of the prefix **“mono”** is optional, i.e., **Iodine Monochloride** may be used interchangeably with **Iodine Chloride**.

C8.25.3.3. *Hazardous Wastes (49 CFR 172. 101(c)(9))*. If the word **“waste”** is not included in the HM description in the Table, the shipping name for a hazardous waste must include the word **“waste”** preceding the shipping name (e.g., **“Waste acetone”**).

C8.25.3.4. Mixtures or solutions.
(49 CFR 172. 101(c)(10)).

C8.25.3.4.1. A mixture or solution not identified specifically by name, comprised of a hazardous material identified in the Table by technical name and non-hazardous material, shall be described using the proper shipping name of the HM and the qualifying word **“mixture”** or **“solution”**, as appropriate, unless:

C8.25.3.4.2. Except as provided in 172.101(i)(4), the package specified in column 8 is inappropriate to the physical state of the material.

C8.25.3.4.3. The shipping description indicates that the proper shipping name applies only to the pure or technically pure HM.

C8.25.3.4.4. The hazard class, packing group, or subsidiary hazard of, mixture or solution is different from that specified for the entry.

C8.25.3.4.5. There is a significant change in the measures to be taken in emergencies.

C8.25.3.4.6. The material is identified in column 7 of the 49 CFR 172.101 Table as a material that is poisonous by inhalation or the mixture, either no longer meets the definition of a poison by inhalation or it falls within a different hazard zone than specified by the special provision; or

C8.25.3.4.7. The material can be appropriately described by a shipping name that describes its intended application, such as “coating solution” or “compound, cleaning liquid.”

C8.25.4. Additional Description Requirements.

C8.25.4.1. *Limited Quantities (49 CFR 172.203(b))*. The description of a material offered

for transportation as a limited quantity must include the words “Limited Quantity” or “Ltd Qty” following the basic description.

C8.25.4.2. *Hazardous Substances* (49 CFR 172.203(c)).

C8.25.4.2.1. If the proper shipping name for a material that is a hazardous substance does not identify the hazardous substance by name, the name of the hazardous substance must be entered in parentheses in association with the basic description.

C8.25.4.2.2. If the material contains two or more hazardous substances, at least two hazardous substances, including the two with the lowest reportable quantities (RQ) must be identified.

C8.25.4.2.3. For a hazardous waste, the waste code (e.g., D001) may be used to identify the hazardous substance.

C8.25.4.2.4. The letters “RQ” shall be entered on the shipping paper either before or after, the basic description, e.g., “RQ Allyl alcohol, 6.1, UN 1098, I” or “Environmentally hazard substance, solid, n.o.s., 9, UN 3077, III, RQ (Adipic acid)”.

C8.25.4.3. *Empty containers* (49 CFR 172.203(e)). Unless a container has been cleaned and purged of all residue, it must be described in the same manner as when it held a greater quantity of HM (49 CFR 173.29). The proper shipping description required on a manifest will depend upon the identity of the residue. For empty containers with residue, the basic description may be preceded by the words:

“*RESIDUE: Last contained*” (49 CFR 172.203(e)). For example, a 55-gallon drum with acetone residue might be described as “*RESIDUE: Last contained Waste Acetone, 3, UN 1090, PG II.*” Additionally, all marking and labeling requirements must also be in compliance.

C8.25.4.4. Technical names for “n.o.s.” and other generic description (49 CFR 172.203 (k)).

C8.25.4.4.1. If a HM is described by one of the “n.o.s.” proper shipping names listed at 49 CFR 172.203(k)(3), the technical name of the HM must be entered in parenthesis in association with the basic description. For example “*Corrosive liquid, n.o.s. (Carbonyl chloride), 8, UN 1760, PG II.*”

C8.25.4.4.2. If a HM is a mixture or solution of two or more hazardous materials, the technical names of at least two components, most predominantly contributing to the hazards of the mixture or solution must be entered on the shipping paper. For example, “*Flammable liquid, corrosive, n.o.s., 3, UN 2924, II (contains Methanol, Potassium hydroxide)*”.

C8.25.4.5. *Marine pollutants* (49 CFR 172.203(l))

C8.25.4.5.1. If the proper shipping name for a material which is a marine pollutant does not identify the component which makes the material a marine pollutant, then:

C8.25.4.5.1.1 The name of that component must appear in parenthesis in association with the basic description.

C8.25.4.5.1.2 For a material consisting of two or more components that make the material a marine pollutant, the names of at least two of the components most predominately contributing to the marine pollutant must appear in parenthesis in association with the basic description.

C8.25.4.5.2. The words "*Marine Pollutant*" shall be entered in association with the basic description.

C8.25.4.5.3. Except for transportation by vessel, marine pollutants subject to the provisions of 49 CFR 130.11 are excepted from the requirements of paragraph C8. 25.4.5.1. above, if a phrase indicating the material is an oil is placed in association with the basic description.

C8.25.4.6. Poisonous materials (49 CFR 172.203 (m))

C8.25.4.6.1. If a liquid or a solid material meets the definition of a Division 6.1, Packing Group I or II, and is not disclosed by the shipping name or class entry, the word "*Poison*" or "*Toxic*" will be entered in association with the shipping description, e.g., "*Decaborane, 4.1, UN1868, II, Poison*".

C8.25.4.6.2. Materials that are poisonous by inhalation, the words "*Poison-Inhalation Hazard*" or "*Toxic-Inhalation Hazard*" and the words "*Zone A*", "*Zone B*", "*Zone C*", or "*Zone D*", for gases or "*Zone A*" or "*Zone B*" for liquids, will be entered in association with the shipping description, e.g., "*Thionyl chloride, 8, UN1836, I, Poison-Inhalation Hazard, Zone B*". The word "*Poison*" or "*Toxic*" does not need to be repeated if it appears in the proper shipping description. Poison inhalation hazard items may be identified through the special provisions listed for the HM in column 7 of the HMT.

C8.25.5. Marking.

C8.25.5.1. *General marking requirements* (49 CFR 172.301)

C8.25.5.1.1. Markings must include proper shipping name and DOT identification number preceded by "*UN*" or "*NA*". Identification numbers are not required on packages that contain limited quantities (171.8) or ORM-D materials.

C8.25.5.1.2. Hazardous waste proper shipping name does not have to include the word "*waste*", if the EPA waste marking (see 40 CFR 262.32) is on the package.

C8.25.5.1.3. Packages containing materials subject to the 49 CFR 172.203(k) shipping paper requirement must be marked with the technical name(s) in parenthesis in association with the proper marked shipping name.

C8.25.5.1.4. A non-bulk package shall be marked with the name and address of the consignor or consignee except when the package is:

C8.25.5.1.4.1 Transported by highway only and will not be transferred from one motor carrier to another; or

C8.25.5.1.4.2 Part of a carload lot, truckload lot or freight container load, and the entire contents of the rail car, truck or freight container are shipped from one consignor to one consignee.

C8.25.5.2. *Marking Requirements (49 CFR 172. 304).* Markings must be durable, in English and printed on the surface of the package or on a label, tag, or sign securely affixed to the package. Markings must be displayed on a background of sharply contrasting color; must be unobscured; and must be located away from any other marking (e.g., advertisement) that could substantially reduce its effectiveness.

C8.25.5.2.1. Hazardous materials that are classified as ORM-D must bear the ORM-D designation. The designation must be marked on at least one side or end with the ORM-D designation immediately following or below the proper shipping name of the material. The ORM designation must be placed within a rectangle that is approximately ¼ inch larger on each side than the designator. (49 CFR 172.316)

C8.25.5.2.2. Any package having inside containers of liquid HM must be legibly marked with the package orientation markings on two opposite vertical sides of the package with arrows pointing in the correct upright position. (49 CFR 172.312).

C8.25.5.2.3. Packages that contain poison inhalation hazards must be marked "*Inhalation Hazard*" in association with the required label(s) or placards (49 CFR 172.313).

C8.25.5.2.4. Prior to the hazardous property leaving the international DRMO, it must be properly marked in accordance with host country transportation regulations or international transportation regulations. If host country transportation regulations are not as stringent as international regulations, the DRMO will elevate the issue to the DRMS-DG legal office for review. Retrograde property will be marked, at a minimum, in accordance with U.S. DOT regulations.

C8.25.6. Labeling

C8.25.6.1. *General.* The information in this section covers only transport by motor vehicle.

C8.25.6.2. *Prohibited labeling (49 CFR 172.401)*. Since labels may convey information to emergency response personnel, DOT has established prohibited labeling provisions. A package may not bear a label unless:

C8.25.6.2.1. The package contains a material that is a HM.

C8.25.6.2.2. The label represents a hazard of the HM in the package.

C8.25.6.2.2.1 In addition, packages may not bear any marking or labels (such as advertising) that by its color, design, or shape, could be confused with, or conflict with, the prescribed labels.

C8.25.6.3. *Subsidiary hazard labels (49 CFR 172.402(a))*. Each package (see 49 CFR 172.400(a)) will be labeled with primary and subsidiary labels as specified in column 6 of the HMT. 172.402(b) allows a subsidiary hazard label meeting the specifications which were in effect on September 30, 2001, such as, a label without the hazard class or division number displayed in the lower corner of the label may continue to be used as a subsidiary label in domestic transportation by rail or highway until October 1, 2005. The color tolerances and display requirements must be in accordance with Subpart E-Labeling. If more than one label is shown, the first label is the primary label and any others are subsidiary labels.

C8.25.6.4. *Placement of labels (49 CFR 172.406)*

C8.25.6.4.1. Exception: Labels may be printed on or affixed to a surface (other than the bottom) of the package and be on the same surface as the proper shipping name marking.

C8.25.6.4.2. Labels must be printed on or placed on a securely affixed tag, or may be affixed by other suitable means to:

C8.25.6.4.2.1 A cylinder.

C8.25.6.4.2.2 A package that has such an irregular surface that a label cannot be affixed.

C8.25.6.4.3. When primary and subsidiary labels are required, they must be displayed next to each other (i.e., within 150 mm (6 inches)).

C8.25.6.4.4. A label must be clearly visible and may not be obscured by markings or attachments.

C8.25.6.4.5. *Additional labeling requirements (49 CFR 172.402)*. The specific size, shape, color, and design of labels must be as prescribed by 49 CFR Subpart E of Part 172.

C8.25.6.4.5.1 Labels representing the primary hazard must have the appropriate class number (division number for 5.1 and 5.2 materials) in the lower corner. The class/division number may not be displayed on subsidiary labels. The text indicating the hazard (e.g.,

“flammable liquid” for class 3) is not required on primary and subsidiary labels for class 1, 2, 3, 4, 5, 6, or 8 materials.

C8.25.6.4.5.2 Prior to the hazardous property leaving the international DRMO, it must be properly labeled in accordance with host country transportation or international transportation regulations. If host country transportation regulations are not as stringent as international regulations, the DRMO will elevate the issue to DRMS legal office for review. Retrograde property will be, at a minimum, labeled in accordance with U.S. DOT regulations.

C8.25.7. Placarding

C8.25.7.1. *Placarding Responsibilities.* As the shipper, the placards required for the materials loaded at the site must be provided to the carrier. The carrier is responsible for affixing the proper placards according to what the DRMO offers (plus what may already be on the vehicle). The DRMO’s disposal contractor is required (as a condition of the contract) to have or obtain any placards that are needed for a pick up. The DRMO is responsible to assure the placards have been secured by the disposal contractor prior to pick up (49 CFR 173.506).

C8.25.7.2. *Placement of Placards.* Placards must be affixed to each side and each end of the transport vehicle. They must be readily visible from the direction they face; securely attached; and be located clear of appurtenances and devices such as ladders, pipes, doors, and tarpaulins. They must also be located away from any marking (such as advertising) that could substantially reduce their effectiveness (49 CFR 172.504(a) and 172.516(a) - (c)).

C8.25.7.3. *Prohibited Placards (49 CFR 172.502).* Placards may not be affixed or displayed unless:

C8.25.7.3.1. The material being offered or transported is a HM (49 CFR 172.502(a)(1)(i)); and.

C8.25.7.3.2. The placard represents a hazard of the HM being offered or transported (49 CFR 172.502(a)(1)(ii)); and.

C8.25.7.3.3. Placarding must conform to the requirements of 49 CFR 172 Subpart F (49 CFR 172.502(a)(1)(iii)).

C8.25.7.3.3.1 Additionally, DRMOs may not affix or display any sign or device that by its color, design, shape, or content could be confused with any prescribed placard (49 CFR 172.502(a)(2)).

C8.25.7.3.4. *Permissive Placarding (49 CFR 172.502 (c)).* The permissive placarding provisions authorize the DRMO to display placards, even when they are not required, if the placarding conforms to 49 CFR 172 Subpart F.

C8.25.7.3.5. *Required Placarding (49 CFR 172.504).* Required placards are determined by consulting the two tables at 49 CFR 172.504. The two tables are accessed

according to the primary hazard of the material. After determining the placards required by the tables, consult 49 CFR 172.505 to see if any placards must be added due to subsidiary hazards. The rules are:

C8.25.7.3.5.1 If there is any quantity of material whose hazard class/division is listed in Table 1, use the placard specified herein.

C8.25.7.3.5.2 For categories of materials in Table 2:

C8.25.7.3.5.2.1 If there are two or more categories of materials (from Table 2), the “DANGEROUS” placard may be used instead of separate placards (49 CFR 172.504(b)).

C8.25.7.3.5.2.2 But, if there are 2,205 lbs or more of any one category of material, loaded at one location, use the specified placard (49 CFR 172.504(b)).

C8.25.7.3.5.3 Exception for less than 1,001 lbs (49 CFR 172.504(c)) Except for bulk packaging and hazardous material subject to 49 CFR 172.505, when hazardous materials covered by Table 2 of this 49 CFR 172.504(b) are transported by highway, placards are not required on:

C8.25.7.3.5.3.1 A transport vehicle or freight container that contains less than 1,001 lbs aggregate gross weight of hazardous materials covered by Table 2 of this section, as noted above.

C8.25.7.3.5.3.2 Review the additional placarding exceptions at 172.504(f).

C8.25.7.3.6. Subsidiary Hazard Placarding (49 CFR 172.505)

C8.25.7.3.6.1 If a material meets the poison inhalation hazard criteria, add a “POISON INHALATION HAZARD” or “POISON GAS” placard in addition to the required placard.

C8.25.7.3.6.2 If a material has a subsidiary hazard of dangerous when wet, add a “DANGEROUS WHEN WET” placard in addition to any other required placard.

C8.25.7.3.7. Placarding Exceptions (49 CFR 172.500(b))

C8.25.7.3.7.1 The following materials need not be considered when determining placarding requirements:

C8.25.7.3.7.1.1 Infectious substances (49 CFR 172.500(b)(1)).

C8.25.7.3.7.1.2 Hazard materials classed as ORM-D (49 CFR 172.500(b)(2)).

C8.25.7.3.7.1.3 Hazard material offered for transportation as Limited Quantities, when identified as such on the shipping paper (49 CFR 172.500(b)(3)).

C8.25.7.3.7.1.4 Hazard material prepared in accordance with 49 CFR 173.13 (49 CFR 172.500(b)(4)).

C8.25.7.3.7.1.5 Materials packaged as small quantities under the provisions of 49 CFR 173.4 (49 CFR 172.500(b)(5)).

C8.25.7.3.7.1.6 Combustible liquids in non-bulk packaging (49 CFR 172.500(b)(6)).

C8.25.7.3.7.2 A non-bulk packaging containing only residue of HM need not be included in determining placarding requirements (49 CFR 172.504 (e)).

C8.25.7.3.8. Placarding Specifications Internationally. Prior to hazardous property leaving the international DRMO, the transport vehicle will be properly placarded in accordance with host-country transportation or international transportation regulations. If host country transportation regulations are not as stringent as international regulations, the DRMO will elevate the issue to DRMS legal office for review. Retrograde property will be, as a minimum, packaged in accordance with U.S. DOT regulations.

C8.25.8. Packaging.

C8.25.8.1. Packaging Requirements. DOT provides packaging instructions at 49 CFR 172, 173 and 178. Basically the requirements are that all packages must always meet the general packaging requirements, and that, depending on the commodity/quantity, there may be certain additional specific requirements.

C8.25.8.2. General Packaging (49 CFR 173.24)

C8.25.8.2.1. The general packaging requirements stipulate that each package must be designed, constructed, maintained, filled, its contents so limited, and closed, so that under conditions normally incident to transportation (49 CFR 173.24(b)):

C8.25.8.2.2. There will be no identifiable (without the use of instruments) release of the HM to the environment (49 CFR 173.24(b)(1)).

C8.25.8.2.3. The effectiveness of the packaging will not be substantially reduced (49 CFR 173.24(b)(2)); and

C8.25.8.2.4. There will be no mixing of gases or vapors in the package, which could, through any credible spontaneous increase of heat or pressure, significantly reduce the effectiveness of the packaging (49 CFR 173.24(b)(3)).

C8.25.8.2.5. Additionally, packages must be compatible with their lading; have secure closure devices; and be filled in such a manner that they are not liquid full at 131 F nor have any HM residue remaining on the outside (49 CFR 173.24(e), 173.24a(d), 173.24a(b)(5)).

C8.25.8.2.6. Combination packages must have their inner packaging packed, secured, and cushioned to prevent their breakage or leakage and to control their movement within the outer packaging. Combination packages containing liquids must be packed so that closures on inner packaging are upright (49 CFR 173.24a(1)).

NOTE: At this point it might be helpful to review the definitions of “combination packaging,” “composite packaging,” and “single packaging” 49 CFR 171.8.

C8.25.8.2.7. *Shipper's Packaging Responsibility.* As a shipper (user of the packaging), the DRMO is responsible for ensuring that:

C8.25.8.2.7.1 The packaging is authorized for the commodity (either a specification packaging is used, or an exception is allowed).

C8.25.8.2.7.2 Any special provisions that apply have been complied with.

C8.25.8.2.7.3 The general packaging requirements are satisfied (the packaging is in good condition, is not overfilled, and is closed properly).

C8.25.9. Security Plans.
(49 CFR 172.800).

C8.25.9.1. By September 25, 2003, shippers or carriers who offer for transportation in commerce or transport in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conform to 49 CFR 172 Subpart I:

C8.25.9.1.1. A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in 173.403, in a motor vehicle, rail car, or freight container.

C8.25.9.1.2. More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.

C8.25.9.1.3. More than one L (1.06 qt) per package of a material poisonous by inhalation, as defined in 171.8, that meets the criteria for Hazard Zone A, as specified in 173.116(a) or 173.133(a).

C8.25.9.1.4. A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.

C8.25.9.1.5. A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class under the provisions of 49 CFR 172 Subpart F.

C8.25.9.1.6. A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73.

C8.25.9.1.7. A quantity of hazardous material that requires placarding under the provisions of 49 CFR Subpart F.

C8.25.9.2. Components of a Security Plan
(49 CFR 172.802)

C8.25.9.2.1. The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in 49 CFR 172.800 and appropriate measures to address the assessed risks. At a minimum, a security plan must include the following elements:

C8.25.9.2.1.1 Personnel Security. Measures to verify the information provided by applicants, hired for positions that involve access to and handling of hazardous materials, on application forms or resumes, including checking former and current employers and personal references.

C8.25.9.2.1.2 Unauthorized Access. Measures to address the assessed risk of unauthorized access to the hazardous material in storage or transport vehicle(s) being prepared for transportation of shipments of hazardous materials en route from origin to destination, including shipments stored incidental to movement.

C8.25.9.2.1.2.1 The plan must be in writing and retained for as long as it remains in effect. Copies of the plan, or appropriate portions must be available to employees who are responsible for implementing it.

C8.25.10. Other.

C8.25.10.1. Release of Property/Discrepancies.

C8.25.10.1.1. Do not release property to a transporter/contractor unless all documentation is correct. This includes reconciliation of all information contained on the DTIDs, delivery orders, manifests, and pick up reports. The COR/COTR will check the manifest, the packaging, markings and labels for shipment. If everything is in compliance with the regulations, the COR will sign the manifest certification and date it. The COR/COTR will make other checks as required under the terms of the contract and, if everything is in compliance, the property will be released.

C8.25.10.1.2. If any discrepancies are noted with respect to manifesting, packaging, labeling, or marking, attempt to resolve them with the COR/COTR. If any discrepancy cannot be resolved, coordinate the discrepancy with the DRMS Compliance Office (DRMS-T) for technical information and contact the contracting officer for guidance. If directed by the contracting officer to sign the manifest when it is believed a discrepancy between the manifest, packaging, labeling, or markings, and stated regulations exists, make a record of conversation

documenting concerns and the directions given. After receiving such direction, sign the manifest, and retain a copy.

C8.25.10.2. Manifest File.

C8.25.10.2.1. A copy of the manifest must be kept in a suspense file until the copy of the manifest, signed by the designated TSDf certifying receipt of the property, is received. Notify the Contracting Officer if the signed copy of the document is not received within 35 days of initial shipment. If it is not received by the end of the 45-day period, an exception report must be prepared and sent through the host to the regulator.

C8.25.10.2.2. The exception report consists of a legible copy of the appropriate manifest, plus a cover letter explaining what was done to locate the shipment after 35 days.

C8.25.10.2.3. The signed copy, when received, must be retained for at least 3 years (or longer depending on individual state regulations) from the date of the initial shipment.

C8.25.10.2.4. State regulations may differ. Contact the appropriate state agencies to determine what state regulations apply.

C8.25.11. International Requirements.

C8.25.11.1. DRMS employees at international locations must be familiar with DOT, as applicable (e.g., Asia). Additionally, they must also be aware of transportation requirements in their host nations, as well as any international regulations covering the mode of transportation used for HW shipments. Transportation regulations for military installations and for areas with no formalized transportation regulations can be found in Hazardous Materials section, of the country specific FGS, or in the absence of an FGS, in the OEBGD. European waste shipments by road are covered by the Carriage of Dangerous Goods by Road (ADR). The International Maritime Dangerous Goods Code (IMDG) governs international shipments by sea. The International Air Transportation Association (IATA) Dangerous Goods Regulations are based on the International Civil Aviation Organization (ICAO) technical orders and regulate air shipments of hazardous property.

C8.25.11.2. DRMOs Receiving FEPP must also consider individual services' regulations governing storage, handling and transportation of dangerous goods. Storage and handling of hazardous materials will adhere to DOD Component policies, including Joint Service Publication on Storage and Handling of Hazardous Materials. DLA 4145.11, TM 38-410, NAVSUP PUB 573, AFJMAN 23-209, and MCO 4450.12A (reference (i)) provide additional guidance on the storage and handling of hazardous materials. Air and maritime shipment of hazardous property originating on DOD installations is covered under DOD Component guidance including AFJM 24-204I, TM 38-250, NAVSUP 505, MCO P4030.19I, and DLAM 4145.3 (reference (8)).

C8.25.11.3. DRMS-O offers regularly scheduled training on ADR requirements. Generally anyone interested in IMDG training must find the training through a commercial source. Further information on transportation of dangerous goods can be found on the web;

however, it should be noted that websites are no substitute for training and should be used for general information only. Contact DRMS-O with specific questions on proper transportation procedures. Information on air transport of dangerous goods can be found at www.iata.org, maritime rules are located at www.imo.org, and European and other OCONUS regulations can be found at www.unece.org/trans.

C8.26. Universal Waste Management Standards.

C8.26.1. General.

C8.26.1.1. The universal waste regulations (40 CFR 273) establish an alternative hazardous waste management program designed to streamline regulations governing the collection and management of certain widely generated wastes. These designated waste streams are referred to as “universal waste”.

C8.26.1.2. DRMOs have the option of managing these wastes under the universal waste regulations or the traditional RCRA Subtitle C requirements. DRMOs will cooperate and manage these waste streams based on the preference of the generating activity and/or host installation.

C8.26.1.3. The following hazardous waste streams are eligible for management as universal waste:

C8.26.1.3.1. Batteries. C8.26.1.3.2.

Pesticides. C8.26.1.3.3. Mercury

Thermostats.

C8.26.1.3.4. Lamps that Exhibit a Hazardous Characteristic (40 CFR 273.9).

C8.26.1.3.5. Cathode Ray tubes (CRTs) and used electronics (select states only).

C8.26.1.4. The universal waste management standards are effective in states or US territories that do not have RCRA authorization, (i.e., Alaska, Iowa; and Puerto Rico). For states and territories with authorized RCRA programs, the state RCRA program must first adopt the universal waste standards before the universal waste program can be implemented.

C8.26.1.5. The law does not mandate states to implement the universal waste program for all or any of the waste covered under the Federal program. For example, a state could adopt standards covering only batteries and pesticides, but not thermostats. States may also add new waste streams to their universal waste regulations. In addition, EPA will add other wastes to the universal waste regulations periodically.

C8.26.1.6. State-Specific Universal Waste (UW). To determine whether or not some states have added their own state-specific UW, such as Cathode Ray Tubes (CRTs) or

consumer electronic devices (also refer to paragraph E.5 be-low), DRMOs should check with their respective states to determine the status of the universal waste management requirements and standards in the specific state the DRMO services.

C8.26.1.6.1. The environmental section of the DRMS web site contains a link to the EPA web site (i.e., http://www.epa.gov/epaoswer/hazwaste/state/stats/stats_bystate.htm) that contains a map showing which states have adopted and received authorization to implement the universal waste standards. Additionally, the EPA has a State-Specific Universal Waste Regulation website at <http://www.epa.gov/epaoswer/hazwaste/id/univwast/uwsum.htm>. You may also access this web site through the DRMS web site (go to Environmental, click Environmental Links, go to Environmental Reference Links, go to State Environmental Web Sites, click on State Specific Universal Waste Regulations). This web site contains a map showing the states that have universal waste regulations and which of those states have added universal waste categories in addition to the Federal UW categories. This web site also has links to individual state's universal waste regulations, and at the bottom of the web site there is a list of the additional universal waste categories added by the respective states. Note that this website may not be completely up-to-date and you may still have to contact the state for the most current information.

C8.26.1.6.2. The Defense Environmental Information System (DENIX) is also a good source of state regulatory information and can be found at the following web site <https://osiris.cso.uiuc.edu/denix/denix.html>. New users of DENIX may need to apply for a user name and password; this can be done at the DENIX web site.

C8.26.2. Background.

C8.26.2.1. Under the universal waste rule, there are Generators, Small Quantity Handlers of Universal Waste (SQHUWs), Large Quantity Handlers of Universal Waste (LQHUWs), Transporters, and Destination Facilities (RCRA TSDFs). The universal waste rule does not make any changes to the RCRA regulations or requirements governing the disposal of universal wastes at destination facilities. The intent of the universal waste rule is to relax the standards for generators and handlers of universal waste in order to simplify collection and to reduce the quantity of these wastes going to municipal solid waste landfills or incinerators.

C8.26.2.1.1. A universal waste generator is the person who generates or creates a universal waste, such as a DOD generating activity. A universal waste handler (**DRMO**), is a person or facility that receives universal waste from generators or other handlers, consolidates the waste, and sends it to other handlers, or to a destination facility (treatment/ disposal facility).

C8.26.3. Transportations.

C8.26.3.1. Under the universal waste standards, a HW manifest and a transporter with an EPA ID number is not required for the transportation of universal waste. Universal waste may be shipped on a bill-of-lading and Land Disposal Restriction notifications are not required. Universal waste shipments must comply with appropriate DOT requirements.

C8.26.3.2. Interstate transportation can be complicated by some states having adopted the universal waste standards while others have not. Situations may exist where universal waste will be shipped from a state that has adopted the universal waste program to or through states that have not adopted the universal waste program. When this occurs, the portion of the trip through a state or states that has not adopted the universal waste standard requires a manifest and the transporter used must be in compliance with 40 CFR part 263 (i.e., have an EPA ID number).

C8.26.3.3. When shipments between universal waste states and non-universal waste states occurs, the DRMO or generator (e.g., disposal contractor) should complete a manifest to accompany the shipment through the state(s) where the waste is not a universal waste. The receiving facility (TSDF) should sign the manifest and send a copy to DRMO/generator. EPA recommends the DRMO/generator note in block 15 of the manifest that the waste is covered under universal waste regulations in the initiating state, but not in the receiving state's facility.

C8.26.3.4. Since not all states will seek authorization for the universal waste rules or for certain waste streams, DRMOs need to work with their contractor and host/state contacts to determine when and if a manifest is required.

C8.26.3.5. Offsite Shipments of Universal Waste.

C8.26.3.5.1. Universal waste may only be sent to another universal waste handler, a destination facility or a foreign destination.

C8.26.3.5.2. Prior to shipping a universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment. DRMOs should check with their disposal contractor to ensure that this has been met.

C8.26.3.5.3. If a shipment (or portion of a shipment) is rejected by either a handler or a destination facility, the DRMO/disposal contractor must:

C8.26.3.5.3.1 Receive the waste back.

C8.26.3.5.3.2 Agree on an alternate destination facility.

C8.26.3.5.4. If a DRMO receives an offsite shipment of universal waste that is not a universal waste, but rather a different hazardous waste, the DRMO must notify the regional EPA/state regulatory agency of receipt of hazardous waste that is not a universal waste.

C8.26.4. Impact on DRMS / DRMO Operations.

C8.26.4.1. *Hazardous Disposal Contracts.* Universal waste recycled or disposed through DRMS disposal contracts do not require special CLINs for these waste streams. Disposal of universal waste will be ordered using the appropriate RCRA CLIN based on the characteristic/listing of the waste or CLIN description. Universal waste must still be treated/reclaimed/disposed of at a hazardous waste facility authorized under RCRA to manage

that specific waste. All destination facilities (disposal facilities) and transporters for universal waste must be listed as approved in the contract.

C8.26.4.2. *Coordination with the host and generators.* DRMOs will work with their host in implementing their universal waste management practices. DRMOs will manage hazardous wastes as universal waste when requested by the generator. Some DRMOs may be requested or may want to become an installation centralized collection center for universal waste. Please see DOD 4160.21-M, Chapter 10.

C8.26.4.3. *Hazardous waste generations.* Wastes managed under the universal rule do not count toward the total quantity of hazardous waste used in determining generator regulatory status or to the quantity of waste reported in RCRA annual/biennial reports. Therefore, DRMS reports to generators on annual waste generations should not reflect universal waste amounts disposed by the generator.

C8.26.4.4. *Receipt Processing.* universal wastes are not counted as hazardous waste, a special procedure for receiving and processing of these wastes has been developed in order to separate these wastes from normal hazardous waste in our accounting system. Upon receipt of universal waste, DRMO's are to perform the DAISY receipt according to the intended disposition. If the item is to undergo RTDS efforts, receive the item as „HM“, and perform the DAISY receipt input using the „M“ code. The Ultimate Disposal Justification Code (UDJ Code) field will default to code „Z“, and should be left as „Z“, unless code „V“ applies. If the item subsequently fails RTDS efforts, refer the item for ultimate disposal and then enter the UDJ Code of „F“. If the item is to bypass any RTDS efforts, then receive the item as „HW“ and perform the DAISY receipt input using the „W“ code. The UDJ Code will default to „Z“, and should then be changed to „F“.

C8.26.5. Applicability.

C8.26.5.1. *Batteries* (40 CFR 273.2).

C8.26.5.1.1. Batteries eligible as universal waste:

C8.26.5.1.1.1 Any battery meeting a characteristic of a hazardous waste.

C8.26.5.1.2. Batteries not eligible as universal waste:

C8.26.5.1.2.1 Spent lead-acid batteries that are managed under 40 CFR 266.80 Subpart G.

NOTE: Lead acid batteries may be managed under either the universal waste standards (40 CFR 273) or the existing standards (40 CFR 266).

C8.26.5.1.2.2 Batteries that are not RCRA hazardous waste when discarded, i.e. alkaline batteries, (does not exhibit one or more of the characteristics identified in 40 CFR part 261, Subpart C).

C8.26.5.1.2.3 Batteries that are not yet waste (no intent to discard) under part 261, including those that do not meet the criteria for waste generation as described in paragraphs C8.26.5.1.2.1. and C8.26.5.1.2.2. above. This includes batteries that are intended to go through RTDS.

C8.26.5.2. Pesticides (40 CFR 273.3).

C8.26.5.2.1. Pesticides eligible as universal waste:

C8.26.5.2.1.1 Recalled pesticides. Recalled pesticides are defined as:

C8.26.5.2.1.1.1 Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Section 19 (b), including, but not limited to, those owned by the registrant responsible for conducting the recall.

C8.26.5.2.1.1.2 Stocks of a suspended or canceled pesticide or a pesticide that is not in compliance with FIFRA, which are part of a voluntary recall by the registrant.

C8.26.5.2.1.2 Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

C8.26.5.2.2. Pesticides not eligible as universal waste:

C8.26.5.2.2.1 Recalled and unused pesticide products as described above that are managed by farmers in compliance with 40 CFR 262.70.

C8.26.5.2.2.2 Pesticides not meeting the definition of paragraph at C8.26.5.2.1. These pesticides must be managed in compliance with the hazardous waste regulations in 40 CFR parts 260 through 272.

C8.26.5.2.2.3 Pesticides that are not waste under 40 CFR 261 criteria, including those that do not meet the criteria for waste generation or those that are not waste as described below, and.

C8.26.5.3. Mercury-Containing Thermostats (40 CFR 273.4)

C8.26.5.3.1. A thermostat is a temperature control device that contains metallic mercury in an ampoule attached to a bimetal sensing element, and mercury-containing ampoules that have been removed from these temperature control devices in compliance with the requirements of 40 CFR 273.13 (c)(2) or 273.33 (c)(2).

C8.26.5.3.2. Thermostats eligible as universal waste:

C8.26.5.3.3. A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

C8.26.5.3.4. An unused thermostat becomes a waste on the date the handler decides to discard it.

C8.26.5.3.5. Thermostats not eligible as universal waste:

C8.26.5.3.5.1 Thermostats that are not yet considered a waste (i.e., will undergo RTDS);

C8.26.5.3.5.2 Thermostats that are not a hazardous waste when discarded. A thermostat is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR part 261, subpart C.

C8.26.5.4. Universal Waste Lamps. (40 CFR 273.5)

C8.26.5.4.1. A lamp is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

C8.26.5.4.2. Lamps eligible as universal waste:

C8.26.5.4.2.1 Any lamp or light, which exhibits a hazardous waste characteristic. This includes mercury-containing fluorescent, high intensity discharge (HID), mercury vapor, metal halide, high-pressure sodium, and ordinary incandescent lamps. Not all lamps identified above are necessarily hazardous waste when disposed. Several manufacturers of these lamps have developed lamps that do not meet a hazardous waste characteristic.

C8.26.5.4.3. Lamps not eligible as universal waste:

C8.26.5.4.3.1 Lamps that do not meet a hazardous characteristic.

C8.26.5.4.3.2 Lamps not yet wastes under Part 261.

C8.26.5.4.3.2.1 A used lamp becomes a waste on the date it is discarded.

C8.26.5.4.3.2.2 An unused lamp becomes a waste on the date the handler decides to discard it.

C8.26.5.4.4. Lamps and State Authorization. Some states have added spent lamps to their universal waste programs before EPA added them to the Federal universal waste program. While these actions are allowed under the universal waste rule, these states have to review their current regulations and determine whether their program meets the EPA

requirements. If the existing state universal waste regulations are less stringent than the final rule, states have to amend their programs to make them equivalent to the final rule. Some states have approved the crushing of lamps as part of their universal waste program; however, the Federal regulations for managing lamps as universal waste prohibit the crushing of lamps by handlers. EPA has indicated that they will be flexible in their review of a state program that allows crushing of lamps. Approval of crushing provisions in state programs will be based on whether adequate safeguards are included in the state regulations that enable a state program to meet the Federal standard equivalent (no releases). DRMOs should work with their installations and contact a state regulatory official as necessary to determine their state specific status.

C8.26.5.5. Cathode Ray Tubes (CRTs) and Used Electronics (select states only).

C8.26.5.5.1. Several states have regulated CRTs and used electronics (e.g., computers, telephones, radios, compact disc player/recorders, etc.) as universal waste (UW). DRMOs need to review the specific state regulations to determine whether or not their states have expanded the list of UW.

C8.26.6. Requirements for DRMOs Managing Universal Waste

C8.26.6.1. DRMOs will manage universal wastes as either generators (if they generate universal waste only) or handlers (if they accept other generator's universal waste). There are two sets of regulations for handlers of universal waste. *DRMOs managing universal wastes will operate as either a SQHUW or LQHUW, depending on the total quantity managed.*

C8.26.6.1.1. *Small Quantity Handlers of Universal Waste (SQHUW).* Subpart B of part 40 CFR 273 provides the requirements SQHUWs must follow. SQHUWs do not accumulate 5,000 kilograms (11,025 pounds) or more (all universal wastes categories combined) at their location at any time. DRMOs may operate as SQHUWs, provided they can demonstrate that the quantities of universal waste managed meet the criteria.

C8.26.6.1.2. *Large Quantity Handlers Of Universal Waste (LQHUW).* Subpart C of part 40 CFR 273 provides the requirements LQHUWs must follow. LQHUWs accumulate 5,000 kilograms (11,025 pounds) or more total of universal waste at any one time. Once a handler (i.e., DRMO) accumulates 5,000 kilograms or more total universal waste, they become a LQHUW and maintain this designation for the remainder of the calendar year.

C8.26.6.1.3. Notification. Most DRMOs already operate under EPA identification numbers for their hazardous waste management activities and are not required to re-notify EPA. Otherwise, DRMOs must send a one-time notification of universal waste management to EPA and receive an EPA identification number before they exceed 5,000 kilograms (11,025 pounds) of universal waste. The notification must include the types of universal waste that the DRMO is accumulating.

NOTE: SQHUW are exempt from notification requirements and shipment tracking requirements.

C8.26.6.1.4. Turn in and General Management Requirements:

C8.26.6.1.4.1 Universal waste will be turned-in as HM and in accordance with the turn in procedures in DOD 4160.21-M, Chapter 10.

C8.26.6.1.4.2 Information must be available at turn in to properly identify the item and to determine proper handling and storage compatibility. This can consist of either a hazardous waste profile sheet or material safety data sheet, unless the item is exempted under 29 CFR 1900.1200(b)(5) and (6).

C8.26.6.1.4.3 DRMOs must manage universal wastes in a manner that prevents releases of any universal waste or component of a universal waste to the environment.

C8.26.6.1.4.4 DRMOs must take actions or implement their host contingency plan for any universal waste that shows evidence of leakage, spillage, or damage that could cause leakage under reasonable foreseeable conditions. This includes repackaging or over packing.

C8.26.6.1.4.5 All releases of universal waste and residues from universal wastes must be immediately contained in accordance with the DRMO's contingency plan. Any material resulting from a release of universal waste must be managed under the RCRA hazardous waste requirements (40 CFR 260-272).

C8.26.6.1.4.6 Universal waste items being turned-in to a DRMO should be labeled and marked as specified in 40 CFR 273.14 and 273.34 and described in paragraph F3c. DRMOs that generate or accumulate universal waste from DRMO operations must also label universal waste items or containers. If universal waste labels are not available, DRMOs should use a paint marker or other permanent marker.

C8.26.6.1.5. Storage. Universal waste is subject to applicable storage requirements associated with hazardous materials in Section 2, Chapter 1, Logistics Program, and Section 3, and paragraph C8.20 this section - (Pesticides).

C8.26.7. Specific Universal Waste Requirements.

C8.26.7.1. Batteries (40 CFR 273.33(a)).

C8.26.7.1.1. DRMOs will not accept battery accumulations with mixed types of batteries (i.e., mercury, lithium, etc.) in a single container; even though the universal waste standards allow generators to mix batteries.

C8.26.7.1.2. Containers holding damaged batteries must be kept closed and must be compatible with the contents of the battery.

C8.26.7.1.3. Universal waste batteries (i.e., each battery) or a container, in which the batteries are contained, must be labeled or marked clearly with one of the phrases: "*Universal*

Waste--Battery(ies) or Waste Battery(ies), or Used Battery(ies)". The turn in document must still identify the specific type of battery.

C8.26.7.2. *Pesticides* (40 CFR 273.33(b)). Universal waste pesticides must be contained in one or more of the following:

C8.26.7.2.1. A container that remains closed, structurally sound, and compatible with the pesticide, and one that lacks evidence of leakage, spillage, or damage; or if unsound, is overpacked in a container that meets these requirements. This could be the original container.

C8.26.7.2.2. A container, or multiple container package unit, tank, transport vehicle or vessel in which universal waste pesticides are contained must be labeled or marked clearly with:

C8.26.7.2.2.1 If the pesticide was recalled: the label that was on or accompanied the product as sold or distributed; and the words "*Universal Waste-Pesticide(s)*" or "*Waste Pesticide(s)*".

C8.26.7.2.2.2 For unused pesticides:

C8.26.7.2.2.2.1 The label that was on the product when purchased, if still legible.

C8.26.7.2.2.2.2 The appropriate label as required under the Department of Transportation regulation 49 CFR part 172.

C8.26.7.2.2.2.3 Another label prescribed or designated by the waste pesticide collection program administered or recognized by a state and the words "*Universal Waste-Pesticide(s)*" or "*Waste Pesticide(s)*".

C8.26.7.3. Thermostats.

C8.26.7.3.1. Generators may remove mercury-containing ampoules from universal waste thermostats, prior to turn in to the DRMO.

C8.26.7.3.2. Generators that remove mercury-containing ampoules from thermostats must determine whether the ampoules exhibit a characteristic of hazardous waste identified in 40 CFR part 261, subpart C:

C8.26.7.3.3. Ampoules must be stored in closed, non-leaking containers in good condition. Ampoules must be packed in the container with packing materials adequate to prevent breakage.

C8.26.7.3.4. Universal Waste Thermostats, i.e., each thermostat, or a container in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "*Universal Waste--Mercury Thermostat(s)*", or "*Waste Mercury Thermostat(s)*" or "*Used Mercury Thermostat(s)*".

C8.26.7.4. Universal Waste Lamps

C8.26.7.4.1. Universal waste lamps must be packaged to minimize breakage and packaging materials must be designed to contain potential releases due to breakage during transport. Universal waste lamps must be stored in containers that remain closed, are structurally sound, will prevent breakage, are compatible with the lamps, and lack evidence of spills or damage that could cause leakage. Acceptable packaging consists of the original packaging or could include placing the lamps evenly spaced in double or triple ply cardboard containers with lids.

C8.26.7.4.2. DRMOs must contain any universal waste lamp that shows evidence of damage (breakage) and that could cause a release of mercury to the environment. DRMOs must take actions to contain all releases and any residues from universal waste lamps. DRMOs will place any unintentionally broken lamps in closed drums.

C8.26.7.4.3. Containers of universal waste lamps must be labeled with the words “*Universal Waste - Lamps*”; “*Waste Lamps*”; or “*Used Lamps*”.

C8.26.7.4.4. Crushing of Lamps/Treatment. EPA has determined that the crushing of mercury containing lamps falls within the definition of treatment. As a result, the crushing of lamps being managed as a universal waste is prohibited; however, EPA is aware that a number of states have already added spent lamps to their universal waste programs and some of these states allow crushing under regulatory requirements that control air emissions. To address this inconsistency, EPA will consider authorization of a state program that allows crushing of lamps on a case-by-case basis, only where the state demonstrates in its application for authorization that the state program meets the equivalency to the Federal prohibition. *If a generator crushes lamps prior to turn in, DRMOs must check with their state to determine whether this is acceptable.*

C8.26.7.5. Accumulation.

C8.26.7.5.1. DRMOs may accumulate universal wastes for 1 year from the date the universal waste is generated or received from a DOD generating activity. A RCRA Part B permit is not required.

C8.26.7.5.2. The DRMO must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. This can be accomplished by either of the following:

C8.26.7.5.2.1 Placing the universal waste in a container and marking the container with the date that the first item of universal waste was placed in the container.

C8.26.7.5.2.2 Marking each individual item with the date that it became a universal waste.

C8.26.7.5.2.3 Maintaining an inventory system on-site that will identify that date the universal waste became a waste or was received. (The receipt date on the turn in document or the date it is referred for ultimate disposal.)

C8.26.7.5.2.4 Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or containers of universal waste became a waste.

C8.26.7.5.2.5 Place the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in that area became a waste or was received.

C8.26.7.5.3. With an *approved waiver* from DRMS, DRMOs may accumulate universal waste for longer than 1 year from the date the universal waste is generated, or received from another handler. A waiver is warranted only if the DRMO can show that accumulation longer than 1 year is necessary for the purpose of generating quantities to facilitate proper recovery, treatment, or disposal.

C8.26.7.6. Record keeping:

C8.26.7.6.1. *Small Quantity Handlers*. No records of universal waste shipments must be kept for regulatory compliance; however, standard DRMS accountability requirements apply.

C8.26.7.6.2. Large Quantity Handlers:

C8.26.7.6.2.1 DRMOs must keep records of each shipment of universal waste received onsite, including the quantity of each type.

C8.26.7.6.2.2 DRMOs must keep records of each shipment of universal waste shipped offsite, including the quantity of each type.

C8.26.7.6.2.3 DRMOs must maintain all shipment records for at least 3 years from the date of receipt or shipment.

C8.26.8. Import (retrograde) Requirements.

C8.26.8.1. The universal waste regulations for the import of universal waste are found in subpart F of 273. Once a universal waste enters the United States it is subject to the same universal waste requirements that would apply if it had been generated in the United States.

C8.26.9. International Requirements.

C8.26.9.1. With the exception of paragraph H above, Universal Waste rules have no application to DRMOs Receiving FEPP (C1.8.1.3.), other than Hawaii and Guam. International DRMOs retrograding wastes that may be considered Universal Wastes should contact the gaining CONUS DRMO for instructions prior to shipment.

C8.27. Training

C8.27.1. General

C8.27.1.1. The DLA Career Guide, found on the DLA Human Resources web page (<http://www.dtc.dla.mil/env/section1.htm> under "Career Guides & Training Plans", then "Environmental Hazardous Material/Hazardous Waste Training Plan") fulfills regulatory requirements for environmental training and provides the knowledge and skills to enable employees to perform their jobs in an environmentally safe manner. Employees (except DRMS-HQ and Forward Support Teams Asia/Pacific (DRMS-OA) and Europe/Southwest Asia (DRMS-OS) employees) involved in the managing or handling of hazardous material and/or hazardous waste, including those on temporary appointments, are required to participate.

C8.27.1.1.1. There may be some cases where an employee handles hazardous property, and whose job series is not listed on the Career Plan Training. In those cases, the DRMO Chief must evaluate the employee's duties and schedule the employee for the appropriate courses.

C8.27.1.2. Site-specific training requirements are the responsibility of the DRMO Chief.

C8.27.2. Regulatory Requirements.

C8.27.2.1. All mandatory compliance courses required by DRMS that meet RCRA/OSHA/DOT requirements are at the DLA Career Guide site under "Environmental Hazardous Material/Hazardous Waste Training Plan. "

C8.27.2.2. *The Resource Conservation and Recovery Act (RCRA)* sets standards for generators and for owners and operators of hazardous waste treatment, storage and disposal facilities in the U.S. and its territories. These standards require that facility personnel complete an initial program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance. Taking the training of the DLA Career Guide site, RCRA Facility Compliance, satisfies the 40-hour initial training requirement. After the initial training, refresher training is required annually.

C8.27.2.2.1. International employees may attend DOD sponsored courses in the Final Governing Standard (FGS) in lieu of RCRA Facility Compliance.

C8.27.2.2.2. International local national employees may take a locally offered course on hazardous waste facility management regulations and practices in the host nation language, with prior approval from DRMS-OL.

C8.27.2.3. *The Occupational Safety and Health Administration (OSHA)* sets the following standards for the safety and health of employees:

C8.27.2.3.1. Hazardous Waste Operations (29 CFR Part 1910.120).

NOTE: Employees going inside the exclusion area at third party sites must have 40 hours of OSHA required training **prior** to going into the exclusion area. Employees that enter these areas must also have 8 hours of annual OSHA refresher training.

C8.27.2.3.2. Emergency Response (29 CFR Part 1910.120).

C8.27.2.3.3. Hazard Communication Standard (29 CFR Part 1910.1200).

C8.27.2.4. *The Department of Transportation (DOT)* requires that shippers ensure that all HM/HW is classified and described on a shipping paper. After the initial training, 8 hours of refresher training is required every 2 years.

C8.27.2.4.1. International employees may attend Transportation of Dangerous Goods courses in lieu of the Transportation of HM/HW for DOD, with prior approval from DRMSI-ILA.

C8.27.3. Appointments.

C8.27.3.1. Contracting Officer's Representatives (COR). The COR appointment requires training to complete COR duties in compliance with all regulations. The mandatory training for CONUS CORs is in the [DLA Career Guide](#). CORs for OCONUS must complete "Safety and Health for Handlers of HM/HW", "RCRA Facility Training" or FGS course and other training as specified by the Contracting Office. COR refresher is required every three years. CORs will not accompany contractors that are opening containers until they have successfully completed the safety course, designated in the DLA Career Guide training, and have appropriate personal protective clothing and equipment.

NOTE: Respiratory protection training is **NOT** provided in the DRMS offered Safety and Health for Handlers of HM/HW course. It must be obtained from the host or other source, if required. Level D clean up will not require the use of respirators.

C8.27.4. Record keeping. (Edited Oct 2012)

C8.27.4.1. 40 CFR 264.16 and 265.16 require **DLA Disposition Services** to maintain records that document the training or job experience that has been given to and completed by **DLA Disposition Services** personnel. **Employee training records will be maintained at the employees Permanent Duty Station. If the employee assists another site while in Temporary Duty status, and the site is later inspected for compliance, the inspector may request a copy of the employee's training records from the employee's Permanent Duty Station for that time-frame.** The following documents must be maintained by the CONUS DRMO to meet this requirement:

C8.27.4.1.1. A copy of the training certificate.

C8.27.4.1.2. A copy of the DD Form 1556 (copy 9) with the Privacy Act information blackened out.

C8.27.4.1.3. A copy of the course outline.

C8.27.4.1.4. If On-the-Job (OJT) is performed, a DRMS Form 43 should be filed in the training record.

NOTE: Environmental record keeping procedures are also discussed in paragraph C8.2.21.

C8.27.5. Course Standards.

C8.27.5.1. Students must pass all required courses. To pass, a minimum score of 70 must be attained on the final examination. If a student receives a score of 69 or below in any course, DRMS-BCE or DRMS-OL and the DRMO will be notified by letter. The student will be given assistance in the problem area(s). The Forward Support Team Manager and DRMO Chief will then have the option of the student re-taking the course, re-taking the test at the student's work site, or taking other appropriate action.

C8.27.6. Procedures.

C8.27.6.1. Forward Support Team Managers will:

C8.27.6.1.1. Monitor environmental and related safety training to ensure that mandatory training prescribed in the [DLA Career Guide](#) site is accomplished. Supervisors will ensure that Individual Development Plans (IDPs) reflect mandatory and other hazardous property training requirements.

C8.27.6.1.2. Ensure that any additional training requirements contained in host nation, state and local laws and regulations are fulfilled.

C8.27.6.2. DRMOs will:

C8.27.6.2.1. Initiate a training request (DD Form 1556) for each attendee at least 60 days prior to course start date.

C8.27.6.2.2. Forward training request (DD Form 1556) to DTC-DTWE for approval.

C8.27.6.2.3. After notification that the employee has been given a space in the course, make travel arrangements.

C8.27.6.3. DTC-DTWE will:

C8.27.6.3.1. Allocate training spaces.

C8.27.6.3.2. Notify employee when they have been allocated a training space. If unable to schedule employee for the session requested, reschedule employee for later session.

C8.27.6.3.3. Forward copies of the training request (DD Form 1556) to the DLA Training Center.

C8.27.6.4. DLA Training Center will:

C8.27.6.4.1. Allocate spaces to generating activities, if session will not be filled by DRMS employees.

C8.27.6.4.2. Develop a class roster and provide to the instructor.

C8.27.6.4.3. Verify class attendance to ensure students are present and in the right class.

C8.27.7. OSHA/RCRA Annual Refresher Hazardous Waste Operations Training.

C8.27.7.1. Environmental and safety training is mandatory for all employees involved in the handling or management of hazardous property. All employees that have completed RCRA and OSHA training must receive refresher training annually to meet 40 CFR 264.16/265.16 and 29 CFR 1910.120.

C8.27.7.2. Refresher training will be scheduled and taught by certified DTC instructors or computer based.

C8.27.7.3. Students will complete a course evaluation that is provided in the text. After each session, the instructor and the DRMO Chief will review the evaluations, then forward the evaluations and rosters to DTC-DTWE.

C8.27.8. Hazardous Property Transportation Refresher Training.

C8.27.8.1. Refresher training is mandatory for personnel who release or issue hazardous property. Employees, who have completed "Transportation of Hazardous Material/Hazardous Waste (HM/HW) for DOD", or an equivalent course, must receive refresher training every 2 years to meet DOD requirements.

C8.27.9. Certification.

C8.27.9.1. Employees that have completed Safety and Health for Handlers of HM/HW, Transportation of HM/HW for DOD, and RCRA Facility Compliance Training and site-specific requirements, the DRMO Chief will sign a confirmation letter. (See sample letter at Section 4, Supplement 2, Chapter 8, Enclosure 20.)

C8.27.10. Alternate Training.

C8.27.10.1. Employees seeking alternate training (or a locally offered course), intended as a substitute for mandated environmental/safety training must adhere to the following requirements:

C8.27.10.1.1. A letter requesting the alternate training should be submitted to DRMS-BCE or DRMS-OL. Included with the request must be a copy of the course outline, syllabus, cost of the course, and the name and telephone number of the provider.

C8.27.10.1.2. DRMS-BCE or DRMS-OL will forward this request with recommendation to DRMS-BCP for environmental courses or to DES-WRH for safety courses. The approving office will send a return letter to the requesting office with a copy to the respective command regarding the approval or disapproval. A copy must be maintained in the environmental training records.

C8.27.11. International Requirements.

C8.27.11.1. International employees may attend DOD sponsored courses on the Final Governing Standard (FGS) in lieu of RCRA Facility Compliance. References to RCRA courses through this chapter are assumed to include FGS courses for OCONUS employees. Both initial and refresher training courses must meet the requirements of Chapter 6, Hazardous Waste of the FGS or the OEBGD.

C8.27.11.2. International local national employees may take a locally offered course on hazardous waste facility management regulations and practices in the host nation language, with prior approval from DRMS-O.

C8.27.11.3. In addition to record keeping requirements specified in paragraph C8.27.4. above, requirements specified in Chapter 6, Hazardous Waste, of the country specific FGS, or in the absence of a published FGS, in the OEBGD, must be met for employees in international DRMOs. Those requirements may include, but are not limited to, the following:

C8.27.11.3.1. The job title and name of the employee.

C8.27.11.3.2. A job description (position description).

C8.27.11.3.3. The type of training required for the position (e.g. the DLA Career Guide requirements).

C8.27.11.3.4. A copy of the training certificate or a copy of the DD Form 1556 (copy 9) with the privacy act information blacked out; and

C8.27.11.3.5. Any other information required by the country specific FGS.

C8.27.11.4. Students must pass all required courses as specified in paragraph C8.27.5. above. DRMS-OL and the DRMO will be notified of students receiving less than the minimum required score.

C8.27.11.5. DRMS-OL will perform the functions of DTC-DTWE for OCONUS employees.

C8.27.11.6. Course evaluations for OCONUS classes will be forwarded to DTC-DTWE through DRMS-OL.

C8.27.11.7. OCONUS employees seeking alternative training as described in paragraph

C8.27.10., above must submit the request to DRMS-OL for action.